A Collection

App. F. IX-4

Previous References
Legis '20-34

1934 (Legis)

File No. 20-34
Serial Nos. 6-

Later References
Leg 136-32 P 1, 6, 8, 9-12

191

General and Revenue Secretariat.

A proceedings
Memorandum

Serial Nos. vide

~~Part B~~ for January 36

SUBJECT.

Amendment of Mysore
Agriculturists Relief Regulation

Gen. Dept. 4473 S/10-1-36 Note Compiler

order to publication of draft Rules
to amend the Mysore Agriculturists
Relief Regulation V of 1935

M Iyengar
4/9/36.

Serial No.

6

Letter dt 18. 2. 35

From

The Chairman
Agriculturists' Relief Regulation
Amendment Committee

Forwards ~~in duplicate~~
the Report of the Committee
appointed in G.O of 8.9.34
to examine the Impasse Agriculturists'
Relief Regulation

Submitted

Pone
22/2/35

Most 23 Submitted for perusal in the first instance. The recommendations will be examined separately

1st Member
Dewan)

4093

3. Please see some marginal notes made
No drastic changes are proposed
Please work up case so that a bill may be introduced in the Leg. Council in June next

an arrangement may be made to print the report (omit the para)

Note—Contn. Sheet.

Agriculturists Relief Reg[n] Amendment Committee

General and Revenue Secretariat

File No. of 193 6

~~Draft for the Recommendations~~
~~Govt Press~~

5) Draft to the Superintendent Govt Printing Bureau. Re orders if the Report itself maybe got printed & bound in a handy form pending orders of Govt thereon or if the matter is to be set in type & printed & bound into the Vo. on the subject.

Dom 27/2

7 & 8
27/2/35

6) Re 1st Member said that copies may be got printed.

7) Please draw up a draft Bill

Dom draft.

Ce
28/2/35

No P 4648 & 1-3-35 to the Superintendent, Govt Printing requesting him to print & supply 300 copies of the Report.

8) The recommendations of the Committee have been incorporated in a draft Bill by the Committee themselves

9) These involve amendments of sections 11, 12, 14 and 25 of the Reg[n] and addition of three new sections 12A, 12B & 25A.

10) The question of amending secs 2 and 12 were before the

Serial No.

Govt. at the time the Commission was constituted. In para 9 of their report the Commission discuss the existing definition of an Farm Agriculturist. There is however no reference to the desirability or otherwise of widening the scope of the definition so as to include persons whose income may be Rs 2000/-. The Commission have however stated that the present definition does not require any alteration

11) The Bill amendment that was before the Govt. at the time of the appointment of the Commission relates to Sec 12 B so as to enable the Courts to give directions for payment by instalments at the time of passing the decree & also to insert safe-guards such as= attachment of property, taking of security etc and a power to insert a default clause for payment of the whole amount the execution of the new Sec 12 B and the amendment of

sec 4 proposed by the Committee provides for this.

17) The other amendments proposed are new particularly the one relating to the exemption of a new sec 25A excepting the Co-operative societies from the operation of some of the provisions of the Regn.

17) The amendments proposed by the Committee are indicated in the copy of the Regn herewith put up. A draft G.O. on the Report is also submitted for orders

Bom
6/3
Mysore
6/3/35

Serial No.

14, A draft G.O. on the report is submitted for consideration. The report of the committee has been arranged to be got printed for circulation and use, but it will not be published as an enclosure to the G.O).

15) The Committee have sent a bill to amend the Agriculturists' Relief Regulation. The following points are for consideration in connection with the amendment of the Regulation:-

16) 1. Section 2:- Definition of Agriculturists.- The Committee consider that the present definition is least objectionable and that it does not require any alteration.

17) There was some representation that the definition should be enlarged so as to include persons with a total income limit of Rs.2,000. This would widen the scope to too great an extent and would bring most of the landed classes within the scope of the Regulation.

18) The views of the committee may be accepted.

19) 2. Sections 11 and 12.- Courts are at present empowered to deny future interest while ordering payment by instalments. The Committee suggest that future interest should not be denied entirely in any case though it might be left to the discretion of the court to fix the rate moderately. Under the Deccan Agriculturists' Relief Act, it is in the discretion of the court as to whether or not interest should be allowed.

WD 01955—GPB—22,500—12-6-34

It is desirable to leave it to the discretion of the court to order interest or not, instead of fettering its discretion since there may be cases where payment of interest is altogether impossible. The present section contemplates denial of the interest only in exceptional cases and the court is required to record special reasons for disallowing interest. It does not therefore seem to be necessary to amend these sections on the lines proposed by the Committee.

३) 3. The Committee suggest that a new section 12 A may be added, laying down the criteria to be taken into consideration in fixing instalments, namely the period for which the loan has been outstanding and the repaying capacity of the judgment debtor.

४) The suggestion may be accepted.

५) 4. The Committee then propose that in default of payment of two consecutive instalments, the whole debt should be considered to become due and be recoverable, and suggest the addition of a new section, section 12 B. This is a very necessary provision the want of which has to a great extent been preventing judges from granting instalments freely. Such a provision was recommended by the Arthur Committee in 1912 in Bombay. This amendment may be accepted.

६) 5. Section 14.- The Committee suggest that only the agricultural land should be exempt from attachment and sale and not all immovable property such as houses of a debtor, and that such exemption should be subject to

Serial No. 1722

to certain limitations. This is reasonable and may be accepted.

26) The limitation suggested by the committee is that the court may be empowered to order attachment and sale of agricultural land or declare a charge against such land for a decree debt if after giving notice to the judgment debtor he fails to furnish security for the decree debt. The idea of the committee is that while affording every possible protection to the honest debtor provision should be made to prevent the unscrupulous debtor from alienating his land so as to defeat the interests of an unsecured creditor. No doubt a mere attachment or declaration of a charge on the property would be sufficient to prevent voluntary alienation by the debtor. If a charge is created by the court on the property, it can be subsequently sold because under section 14 if property has been specifically mortgaged for a debt, it is not exempted from attachment and sale. Mere attachment without a provision for sale is a sort of stalemate. On the one hand the debtor will not be able to sell his land, on the other the creditor will not be able to realise his dues if the debtor fails to pay. Sale is a necessary step in furtherance of the process of attachment. Without sale a debt cannot be realised though property is attached, if the debtor does not choose to repay the money, and he would make no attempt to repay it because

WD 0195—GPE—22,500—12-6-34

Report of the Agricultural Indebtedness Relief Regulation Amendment Committee

because the property cannot be brought to sale. Consequently, it is necessary to provide for sale after attachment. In order to avoid hardship to the agriculturist and to keep the land to him as long as it is possible for him to repay the debt, a provision may be inserted that a sale shall be ordered only after allowing a period of say 4 years or 8 years after the attachment.

25) The suggestion of the committee may be accepted with this modification. Attachment before judgment may also be allowed, as suggested by the committee.

26) 6. The Committee propose that Government may be empowered to exempt any co-operative society or class of co-operative societies from the operation of this Regulation except section 13 which prohibits arrest and imprisonment of an agriculturist. Under the Deccan Agriculturists' Relief Act, co-operative societies are similarly exempt from the provision of the Act. While the committee are for allowing exemptions in favour of co-operative societies, they are not in favour of a similar exemption in favour of joint stock banks. The suggestion of the committee in this respect may be accepted.

Member) 18/7/35
(for Member)

27) Vide marginal remarks

22/8

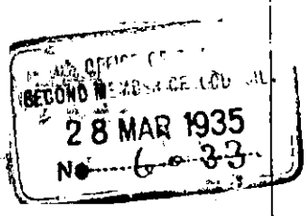
26) I agree with the suggestions made above. Please submit a Government Member after approval please prepare a draft of general principles on which please prepare D.O. in favour

OFFICE OF THE FIRST MEMBER OF GOVT. No. 6872

Report of the Agriculturists' Relief Regulation Amendment Committee 411T

General and Revenue Secretariat	File No. 20 of 193 4.	[App. F. III—2

Serial No.



Second Member)

Dewan)

28/3/35

29) I have carefully considered the recommendations of the Committee and discussed the matter again with the Under Secretary. I am of opinion that all the recommendations of the Committee may be accepted. The two points on whict it is not proposed to accept the recommendations of the Committee are -

1. The proposal that the Court should not be given discretion to deny future interest while ordering payment by instalments, and
2. The proposal that in Section 14, ~~the~~ agricultural land also might be brought to sale in default of furnishing security.

30) As regards the first point, I agree with the Committee that it will not be quite desirable to deny interest. Such denial will be specially hard in cases where the Courts decree payment by instalment. Usually, the practice in Civil Courts is to grant interest only at a very reasonable rate, viz., six per cent. from the date of institution of the suit to the date of payment, and the present Regulation lays down that the current rate of interest should be moderate. This is sufficient safeguard for the agriculturist and it does not seem necessary to deny interest in certain cases.

31) As regards the second point, I do not understand

understand on what basis ~~and~~ or principle it is proposed to postpone the sale and fix an arbitrary limit of some fixed period of years. Once it is agreed that an attachment cannot stand by itself and has to be followed by sale, an arbitrary stoppage to further proceedings for a definite period seems to be an unnecessary limitation of the powers of the Court.

No. 5846 1935
6033

1/pl
5/4

W. Rec. from the Deccan.
Can may discuss this with the Chairman of the Committee & the Govt Advocate some day next week
Can
10/4
Under, pl.

OFFICE OF THE FIRST MEMBER
10 APR. 1935
No. 2365

33) The points were discussed by the First Member and the Second Member with the Chairman of the Committee and the Government Advocate. It was decided (1) that in regard to the grant of interest in the case of instalment decrees, the recommendation of the committee may be accepted and (2) that the power to order attachment and sale of or declare a charge on agricultural land may be limited to cases of instalment decrees, as this appears to have been the intention of the committee also.

Serial No.

34 Instalments may be ordered at the time a decree is passed or subsequently in the course of execution. The Regulation specifically provides in section 11 for directing instalments at both these stages in the case of suits for redemption, foreclosure or sale (i.e mortgage suits). But, in the case of suits for money, there is no specific provision in the Regulation empowering a court to direct instalments at the time of passing a decree for money, while section 12 provides for directing instalments in the course of execution of a decree for money. This appears to be somewhat of a defect in the Regulation. It is no doubt possible to construe that, under section 25 which makes the Civil Procedure Code applicable wherever it is not inconsistent with this Regulation, the court has power under Order XX Rule 11 of the Civil Procedure Code to pass an instalment decree in suits under this Regulation also. The amendments proposed by the committee by way of sections 12 B and 14(2) contemplate that a court has power to direct instalments at the time of passing a decree for money and this is specifically referred to in 14(2). It seems to be therefore advisable to amend section 12 by including therein a specific power enabling a court to pass instalment decrees on money suits. The amendments suggested are as follows:-

35) Section 12.-- Substitute the following for

the for 'coming a-' are the

for para 1 of section 12.

"The Court may, in its discretion, in passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed ~~in any such suit~~ against an agriculturist, whether before or after this Regulation comes into force, direct that any amount payable under that decree shall be paid by instalments

36) Section 14(2):- It is proposed to amend as follows this sub-clause in the bill of the committe

(2) The court may at the time of passing a decre for money directing payment of instalments or at any time during the course of execution of such decree direct the judgment debtor for sufficient cause to furnish security for the amount of the decr and if he fails to furnish the security required order the attachment and sale of any agricultural land belonging to the judgment debtor or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation, 1918:

37) Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment debtor is in default in the payment of two or more consecutive instalments as directed ~~under this sub-section.~~ in the decree

38) 3. The provisions relating to attachment

Serial No.

attachment before judgment contained in rules 12 and 13 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2)

39) 4. An Attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid of or otherwise satisfied."

Second Member)

1st Member)

40) 24/4

24/4/35

41) Draft Bill with Object & reasons, & a statement of general principles might be helpful. A draft G.O. indicating action taken & D.F.N. may also be helpful.

2) Send with draft Bill, Statement of General Principles, & Govt. Order

S. K. N.

Bill
25/4
27

Amendment of the Agriculturists' Relief Regulation

Legis. File No. 20 of 1934

General and Revenue Secretariat

43) Submitted with draft Bill & statement of objects & reasons. A.G.O on the Committee report & a D.F.N are also submitted

Gen Sec
2nd Member
1st Member

D
16 MAY 1935
E 667.2

GENERAL SECRET.
1 MAY 1935
6999

C 30/4/35
Hm 4/5

C 9/5/35

SJ 13/5 Hm

OFFICE OF THE
FIRST MEMBER OF
8 MAY 1935
8078

Returned
P.N. No 182
with Compliments
C 14/5/35

Final Note signed by Member.

AG 15/5/35

Dewan)

Hm 15.5.35

RMP 15/5

RMP 15/5

MI 16-5-35

Final Note by the First Member of Council.

Subject:—

Amendment of the Agriculturists Relief Regulation.

In pursuance of the promise made by Government in the Representative Assembly and in the Legislative Council a Committee was appointed by the Government in September 1934 under the Chairmanship of Rajasabhabhushana K.R. Srinivasiengar, M.A., to examine and report to Government as to how far the extension of Mysore - - Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to indicate, in what respect if any, the Regulation requires to be amended. The Committee hav accordingly submitted a report to Government together with the draft of a Bill embodying their recommendations.

The recommendations are generally acceptable, but one slig modification is considered necessary. The Committee have recommended that the court may be empowered to order attachment and sale of the agricultural land of a debtor, if after notice to him he fails to furnish security for the decree amount. This is some what drastic and goes against the underlying principle of this legislation that the land should be saved to an agriculturist - - debtor. At the same time it is necessary to give some protection to a creditor to whom payment is postponed by ordering instalments and prevent an unscrupulous debtor from alienating his land so as to defeat the creditor's interest. The provision to order attachment and sale of the agricultural land or declare a charge thereon is therefore proposed to be limited to cases where payment by instalment is ordered and the sale in pursuance of an attachment or charge should be granted only when default is made in the payment of two consecutive instalments.

A draft Government Order approving the recommendations modified as above is submitted for approval together with a Bill and a statement of general principles explaining the scope of the recom-

recommendations as approved by the Government.

I now solicit gracious sanction of His Highness to the pro
posed legislation.

MEMBER OF COUNCIL.

Bangalore,
15th May 1935.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* amendment of the Agriculturists Relief Regulation

for His Highness' gracious approval.

Mirza M. Ismail

Camp Fernhill,)
16th May 1935.)

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of the Agriculturists Relief Regulation.

C Secy
MS
19-D. 35

578
20.5.35

Order.

~~KRW~~
18/5/35

General and Revenue
Secretariat

SUBJECT:–

Amendment of the Agriculturists Relief Regulation

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders.* (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

21.5.35

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

8388
21/5

FIRST MEMBER OF COUNCIL. 21/5

7323
21/5

SECOND MEMBER OF COUNCIL. 21/5

General Secretary
With Compliments.

21/5

NOTE.—Contn. sheet.

22/5 22/5

Amendment to the Agriculturists' Debt Relief Regulations

General and Revenue Secretariat. | File No. 20 of 1934 | [App. F. III-2

The Statement of General principles has already been typed & Copies of the same will be sent to the R.A. Office if approved.

The draft G.O. may also be issued if approved.

After the issue of the G.O. the file will be resubmitted for permission to publish the Bill in the Gazette for general information.

28/5/35

Issue G.O.

Send 6 Copies of Statement of General principles to the R.A. Madras

6 Copies of Bill & statement of Objects & reasons may be sent to the Government Press, Madras and the Govt Press.

G. 27/5/35

7.5.35

Issued G.O. No. P 6404 — 16 dated 23.5.35

To the R.A. Madras for favour of taking Copies of General principles Statement & returning the file immediately.

24/5/35

3 Copies taken & file returned

Bdm 24/5

Resubmitted for orders whether

NOTE—Contn. Sheet.

Amendment to the Agriculturists Relief Regn.

General and Revenue Secretariat

File No. 70 of 1935

Act will maybe published

24/5/35

Rules to be published under Rule 8 of the L.C. Rules

(1st Member)

25/5/35

(Second Member)

25/5

Dewan)

25/5

25-5-35

27.5

May be sent to L.C. Secretary

27/5

To the L.C. Office with Compliments

27/5/35.

Three copies taken and file put by to Proof Br. with Compts

28/5/35

25 MAY 1935 8458

SECOND MEMBER OF COUNCIL 25 MAY 1935 No.

TYPING SECTION 27 MAY 1935 GENL. & REV. SECTT.

further it may be sent to the Typing Section for typing 3 copies of the Statement of Objects & Reasons.

Today please

27/5/35

Sub. B 27/5/35

Bill to amend the Mysore Agriculturists Relief Reg[n]

General and Revenue Secretariat.

File No. of 193 4

[App. F. III-2

The Statement of General Principles has been sent to A.S. Office and the Bill together with the Statement of Objects and Reasons has been published under Rule 8 of the Rules of Business of the Legis Cl.

The following motions are suggested for being included in the ~~matters~~ Agenda for the next meeting of the Legislative Council

(1) Motion that the Bill to amend the Mysore Agriculturists Relief Reg[n] be read in Council

(2) Motion that the Bill be referred to a Select Committee

Mover The Finance Member

Seconder The General Secy to Govt

Subd for orders

Bom 4/6/35

(Pl see)
(& Return)

Ce. 4/6/35 Ltm 5/6/35

GENERAL BRANCH
5 JUNE 1935
35
OFFICE OF THE
FIRST MEMBER
6 JUNE 1935
No. 8813

7/6/35

To the L.O. Office for note and return

Ltm 10/6/35

Ltm 11/6

23.
Bill to amend Agriculturists Relief Reg

File No. [illegible] of 193 .

General and Revenue Secretariat

The Statement was discussed in the R.A on the 14th inst. Copy of the Proceedings pertaining thereto is here with put up for perusal

The proposal to modify the law so as to make it obligatory on the Court to grant further interest was opposed by some members

Similarly the provision to direct that in the event of failure to pay two instalments, the whole debt should become due & be recoverable was also opposed by some as being penal

The provision to grant an option in immovable property other than agricultural land for being proceeded against was also opposed by some on the ground that an agriculturists dwelling house should be reserved for him

Other suggestions made are indicated in the proceedings in the margin.

Submitted
for
8/6

Will be moved the Agriculturists Relief Act

General and Revenue Secretariat. File No. 20 of 193 4 [App. F. III-2

This measure had almost unanimous support. Copy of the discussion is perhaps 1st Number;

Agriculturists' Relief Act Amendment

Select Committee

1. Mr. N. Nagappa Rao
2. Mr K.V. Anantaramu.
3. Mr Nagappa Bro.
4. Mr K.R. Srinivasiyar
5. Mr Chengalraya Reddi
6. Mr ~~Ramachandra Rao~~ S.H. Chennareddi
7. Mr ~~[illegible] Reddi~~ Siddia
8. Mr Gundappa Gowda
9. Mr Md Abdul Khan

The mover

At the meeting of the Legislative Council held on 4-9-35 the Bill was read in Council and

Bill to amend Agricultural Relief Regn

General and Revenue Secretariat

File No. 20 of 1934.

Concerning ag- the aboven said persons

Cordero are solicited regarding the date ag meeting ag the Select Committee.

Dom 8/7

This may be fixed some 10 days after the S.C. meeting on Factories Bill

(1st Member) 6/8/35.

OFFICE OF THE FIRST MEMBER OF COUNCIL
JULY 1935
No. 222

1Pm in S.C. 31 & named 2pm (4 meets) by

9/7/35

Direct notice sent 9/8

See 11/7

4/11/35

As personally instructed the date will be changed to 6th August & notice sent

(4th Member)

6-8-85 all the members of the S.C. were present and the main matter considered and it was agreed that the draft Report may be sent for agreement draft of a report embodying the recommendations. 6-getting a copy of the Bill as amended by them to be

apply

Papers may be
sent to the members 6/8/35
for approval

Copy of draft Rly
to Members of S.C

Papers may be sent
to Sardar Members 6/8

Issues No P 1873-81 6/27.8.35 Act

Messrs K. Chenchaliah Reddi & Recd
N.B. Gundappa Shanbhag not yet sent
the draft Reports - write Time
extension.

Sent with draft remainder

TYPING SECTION
19 AUG. 1935
GENL & REV. SECTT.

TYPING SECTION
12 SEP. 1935
GNL & REV. SECTT.

Sent A
11/9/35

704/

Bill to amend Agriculturists' Relief Act

General and Revenue Secretariat. | File No. 20 of 1934 | [App. F. III-2

Mr. H. B. Gundappa has not returned the draft Report with his approval. He was reminded on 13th inst. For orders as to whether he may be written to that effect that his approval will be presumed if not heard before the end of the month

Draft Fwd

Bom
24/9

SECTION.
5 SEP. 1935
EN. & REV. SECTT.

Issued vide P 2082 of 26.9.

Mr. H. B. Gundappa has not replied to the letter in which he was told that his approval will be presumed.

Under the circumstances the Report may be treated as final & published under Standing Order 49 of the S.O. for the Conduct of Business of the Legislature

Bom
21/10.

All the members from S.C have approved of the draft report, except Mr. H.B. Gundappa who has not replied. All the

-9

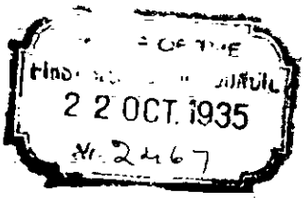
File No. D.92/R.L of 193

General and Revenue Secretariat

A reminder had been sent to him intimating that if his reply was not received before the end of September, his approval will be presumed.

The report will be published.

1st Member) 21/10/35



22/10

U.S. Rep

Published

Eng/10/35

D.A.Gr. with extra copies of Report)

Rec'd 24/10/35

Three copies taken and the file put to Prot. Br. with compts)

25/10/35

L.C Eng

Printed copies of S.C. Report & Bill as amended by them are put up for perusal.

The following motions are suggested for being moved

Bill to amend 1706
The Agriculturists' Relief Regulation

General and Revenue Secretariat | File No. | of 193 . D. 822 | [App. F. III—

Serial No.

on the Agenda for the meeting of the Legislative Council.

(1) Robins that the Report of the Select Committee on the Bill and the Bill as amended by them be taken into Consideration

(2) Robins that the Bill as amended be passed.

Cover: The First Member of Commi

Seconder: The General Secy Govt

GENERAL BRC
12 NOV 35
1042

OFFICE OF THE
1 2 NOV. 1935
3165

Done 11/11

Govt) 12/11 G
Mr Member) 11/11/35

Govt 13/11
13/11 G 13/11

OFFICE OF THE SECRETARY.
14 NOV. 1935
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

A. G. Office
for Print work
Noted and put to the Proctr. Bill as the compts)

16.11.35

Nine amendments have been proposed to the Bill as amended by the Select Committee.

On the Copy of the Bill wherein the amendments proposed are indicated. These amendments are for orders.

Amendment No 3 aims at making provision for securing attachment before judgment. This aspect was raised before the S.C Vide para 2 of the Report at page 3 under clause 5 and did not find favour with the majority of the Committee.

Amendment No 4. The words "as far as may be" in Cl 4(3) are proposed to be deleted.

Since attachments cannot be ordered in all cases these words were inserted. This is seen from the report leading to the sub-clause as amended by the S.C. (Vide page 3 of S.C. Report)

3314

Bill to amend the Agriculturists Relief Act

General and Revenue Secretariat	File No. 10 of 1934.	[App. F. III—2

Serial No.	
	Amendment No. 5. This seeks to make an exception in the case of sale voluntarily brought about by the judgment debtor, and is not excluded by sub clause (4) of clause 14 (Vide page 6 of the Report of the S.C. The amendment seems unnecessary.
	Amendments Nos 6 & 7. This is intended to delete the new section 25 A (cl 5 of Bill as amended by the S.C). The clause was added on the recommendation of the committee (Vide para 16 of the Report)
	Subd for orders

Done
5/12

Bill to amend the Agriculturists Relief Reg 33/2

General and Revenue Secretariat | File No. 70 of 1934. | [App. F. III—2

Serial No.

Notice of certain amendments to the Agriculturists' Relief Regulation Amending Bill has been received. They are as follows:-

1. The select committee amended the new section 12A providing that the instalments to be allowed by the court under sections 11 and 12 should be annual. Mr. Puttaswamy has proposed an amendment that the instalments should also be equal. Ordinarily when a court orders instalments, they are, in the absence of any specific directions, equal, the form used being " eight annual instalments ", or " twelve annual instalments ", which means that they are equal and annual. Under sections 11 and 12 of the Regulation, discretion is given to the court to fix the instalments as may be considered by the court to be equitable. It may happen that in the first few years the debtor wants smaller instalments, to be increased later on when he might expect to get a better income by improvem of the land or otherwise. It is obvious that there may be circumstances where the court finds it advisable to allow smaller instalments at first and increase it later on. If the word " equal " is inserted in the Regulation, the court cannot have any discretion in the matter. The amendment is unnecessary and may be opposed.

WD 03594—GPB—30,000—13-7-35

(2) Mr. Puttaswamy further proposes the addition of a proviso to section 12 A to the effect that the time for the first instalment shall not be prior to the next harvest season after decree. Ordinarily ~~xxx~~ in passing instalment decrees, the court fixes the date on which the instalments fall due. In the absence of any mention of the dates on which they are to fall due, it may be taken, if annual instalments are fixed, that the first instalment will fall due one year after the date of the decree. The result of this will be that the first instalment will always fall due subsequent to the next harvest season after the decree. Thus it seems to be unnecessary to insert this proviso.

(3) Mr. G. Channappa has suggested a proviso to the new section 14(2) so as to allow attachment before judgment by the court. The bill has provided for attachments being ordered at the time ~~of~~ an instalment decree is passed so as to safeguard the interests of the creditor. The question of attachment before judgment specifically came up for discussion at the select committee meeting; only 2 members ~~were~~ in favour of allowing attachment before judgment and all the others were against it for reasons stated on page 3 of the report. The amendment may be opposed.

(4) Mr. T. Madiah Gowda proposes that the words

Serial No.

"as far as may be " in section 14 (3) may be deleted. The procedure in regard to attachment before judgment does not directly apply to attachments ordered at the time of the passing of the decree. Neither is it governed by the procedure in regard to attachments in the course of execution. The bill provides that where the procedure in regard to attachments before judgment may be applied to the extent possible to the attachments under consideration. It is therefore necessary to retain the words " as far as may be ".

(5) Mr. Channappa has suggested an amendment which is not very clear. Under the new section 14 (4), an agricultural land which has been attached shall not be sold in pursuance of such attachment unless default is made in payment of two or more instalments under the decree. The amendment suggested is that if the judgment debtor collusively brings the property for sale for arrear of land revenue or for debts of other collusive creditors, the court should be in a position to direct sale of the attached land. If the judgment debtor commits default in payment of land revenue, the attaching creditor can pay it up and preserve the property. Further, the attachment by the court can never prevail against the claims of Government for the arrears of land

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land revenue. And even if the court directs a sale, it will have no effect against the sale by the revenue authorities for arrears of land revenue. On the other hand if the property is brought to sale for debts of other creditors, the prior attachment ordered by the court will always prevail. If such sale should be in pursuance of another attachment, the attaching creditor in question can always get rateable distribution out of the proceeds of any sale effected by the court under section 73 of Civil Procedure Code. The amendment suggested may therefore be opposed.

6 and 7. Messrs Puttaswamy and Madiah Gowda propose that the new section 25 A granting exemption from the operation of the Regulation in respect of co-operative societies should be deleted. This section was inserted on the recommendation of the special committee. Such exemption has been granted under the Deccan Agriculturists Relief Act. Since co-operative societies are bodies working in the best interests of the agriculturists themselves and since their aim is also to give relief to agriculturists, it was considered that the two measures ought to work without friction. Further, this is only an enabling provision giving power to Government to grant exemption to such of the societies as are deserving of exemption

Bill to amend the Agriculturists Relief, R
37

Serial No.

by conforming to any conditions that may be imposed regarding the rate of interest and other matters. The amendment may therefore be opposed.

8. Mr. Madiah Gowda has suggested an amendment that the grant of exemption by Government should be after obtaining the consent of the Legislative Council by passing a resolution. This will be a very unworkable proposition. It is only for the framing of new rules or ~~xhxing~~ changing of schedules of the Regulation that in one or two Regulations it has been provided that the change should be effected after a resolution is passed to the effect in the Legislative Council. It will not be suitable for the exercise of the power to grant exemptions. The amendment may be opposed.

9. Mr. Madiah Gowda has suggested that the words " any ~~in~~ proceedings " may be substituted for " any matter to or ". The words in the bill were taken from section 74 A of the Deccan Agriculturists Relief Act. In the Civil Procedure Code, distinction is made between suit and proceedings which comprise miscellaneous proceedings, execution proceedings, etc. The term " matter " would ~~ixm~~ include a suit as well as proceedings. If the word " proceedings " is inserted, a doubt may arise whether a suit comes under the section. The wording as it is may be ratained.

OFFICE OF THE
10 DEC. 1935
No 2114

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

1st Reader) Seen. Please put up a copy of the note with the agenda papers. 9/12/35

386.

Bill to amend the Agricultural Insects Relief Reg

File No.	to	of 1934.	General and Revenue Secretariat

At the meeting of the Legislative held on 16.12.35, the Bill as amended by the S.C was considered. ~~Three~~ Nine amendments had been tabled. These were moved but they were not accepted. The motion to pass the Bill as amended by the S.C was passed.

The file may now be sent to Law for formulating the Bill into Law.

D.E.N. Reed

19/12 (1st Member)

Final Note signed by the Member is put up. 19/12/35

20/12

20/12

4/1/36

23-12-35

Dewan)

OFFICE OF THE FIRST LEGISLATIVE ASSEMBLY
19 DEC. 1935
No. 4/5609

Final Note by the First Member of Council.

Subject.—

Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

Page 18 ✓
Min. Note VV

Gracious sanction of His Highness was accorded in May 1935 to place before the Representative Assembly, the statement of general principles of a Bill to amend the Mysore Agriculturists' Relief Regulation in accordance with the recommendations of the Committee appointed to consider the modifications which the Regulation required.

In the Birthday Session of the Representative Assembly, the statement was discussed by that body and received almost unanimous support. It was thereafter introduced into the Legislative Council at the Budget Session and referred to a Select committee.

The Select Committee examined the Bill at length and recommended certain modifications. Their report, along with the Bill as amended, was considered at the meeting of the Legislative Council held on 16th December 1935 and was finally passed by that body.

I now solicit gracious approval of His Highness to promulgate the Bill into law.

Bangalore,)
20th Decr. 1935.)

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

Bangalore,

23rd December 1935.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

C Secy
MS
28-12-35

Order.

KRH

3318/p6

352 6/12

General and Revenue Secretariat

SUBJECT:- Promulgation into Laws of the Bill to amend the Madras Agriculturists Relief Regulation, 1928.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.
24-12-35

Through the Secretary to Government,

..... Department.

FIRST MEMBER OF COUNCIL. (On Leave)

5039
28/12

SECOND MEMBER OF COUNCIL. Nil
29/12/35

Pl. see,
30/12

NOTE.—Contn. sheet.

VII -35-

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General and Revenue Secretariat — Legs File No. 90 of 1934 — [App. F. III—2

Serial No.	
	Send with a draft G. O ordering the publication of this Regn. Proof is proposed to be called for
	SG 31/12/35 — Jm 31/12
&	G. O no 4473 of 10/1 ordering the publication of Regn VII of 1935

Firca Secy. 13/12

A 28/12/36.

44

In This Copy amendments suggested are noted

Pe

NOTIFICATION.

No. Rl. 242—L..C. 1-35-2, dated Bangalore, 25th October 1935.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928, is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation.

We, the undersigned, members of the Select Committee to which the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928, was referred, have considered the Bill at the meeting held on the 6th of August 1935 and have now the honour to submit herewith this our report.

Clause 2.—Under the general law, *i.e.*, Section 34 of the Civil Procedure Code, the Court is given discretion to allow future interest or refuse it according to the circumstances of the case. We are of the opinion that the position of the debtor in respect of this matter under the Agriculturists' Relief Regulation should not be less favourable than under the ordinary law, and we therefore propose that para 2 of Sub-section (1) of Section 11 be retained as it is, and that clause 2 of the Bill may be deleted.

Clause 3.—(1) *Sub-Clause* (1).—The new Sub-section (2) which is proposed to be added to Section 14 of the Regulation by this Bill, provides for attachment of the agricultural land of a debtor only in the case of instal-

judgment-debtor may abstain from applying for instalments or may even object to instalments. In such cases, we consider that the Court should have power to direct instalments if the decree-holder desires that an instalment decree should be passed in order to avail himself of the provisions of the new Sub-section (2) proposed to be added to Section 14 of the Regulation. We therefore propose that sub-clause (1) of clause 3 of the Bill be amended giving discretion to the Court under Section 12 of the Regulation to direct instalments on the application of either party. The sub-clause as amended will read as follows :

(1) The following shall be substituted for the first paragraph of Section 12 :—

"In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist, the Court may, on the application of either party, direct that any amount payable under that decree shall be paid by instalments."

(2) *Sub-clause* (2).—For the reasons stated under clause 2 above, we consider that para 2 of Section 12 be retained as it is and that sub-clause (2) of clause 3 may be deleted.

Clause 4.—(1) *Section* 12 *A*.—We consider that instalments ordered under Sections 11 and 12 should be annual, as agricultural income ordinarily accrues once a year. In fixing the number of instalments, there may be other factors than the two mentioned in this clause, which the Court may take into consideration. We have therefore substituted the following for this clause :

> "12A. The instalments to be allowed under Sections 11 and 12 shall be annual, and in fixing the number of such instalments the Court shall take into consideration among other matters the period during which the loan was outstanding and the repaying capacity of the judgment-debtor."

(2) *Section 12 B*.—In order to make it clear that the right to enforce payment of the whole of the remaining amount of the decree will accrue only if two or more instalments are actually in arrears, we have substituted the words "when two or more instalments are in arrears" for the words "in the event of default in payment of any two consecutive instalments."

Clause 5.—Sub-Clause (ii)

(1) *Sub-section* (*z*).— We consider that the provision for attachment of the agricultural land under certain circumstances is a sufficient safeguard and that the provision for declaring a charge is unnecessary. A charge is not allowed under the ordinary law in such cases and there is no reason why a creditor should get a greater advantage under this Regulation than under the ordinary law. A charge will give undue preference to a particular creditor who comes to Court, and we fear that it may lead to collusive decrees also. We further consider that the provision for sale of the property in pursuance of attachment ordered under this sub-section may be inserted as a separate sub-section instead of as a proviso to this sub-section.

We have substituted the following in place of Sub-section (2) in this sub-clause of the Bill :—

> "(2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment of any agricultural land belonging to the judgment-debtor."

(2) *Sub-section* (3).—It was urged by two members that a provision should be inserted allowing attachment before judgment of the agricultural land.

But all the other members were against this suggestion as the provision for attachment under Sub-section (2) in special cases is itself an inroad on one of the main objects of the Regulation, *viz.*, the preservation of the land to the agriculturist, and it is not desirable to whittle it down further. Since attachment can be ordered only when the Court decides on ordering payment by instalments, it will be inconsistent and premature to allow attachment before judgment. We have redrafted this sub-section as follows for the purpose of clarity :—

> The procedure in respect of attachments ordered under Sub-section (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment

Clause 5.—Sub-Clause (iii)

(1) *Sub-section* (2).— We consider that the provision for attachment of the agricultural land under certain circumstances is a sufficient safeguard and that the provision for declaring a charge is unnecessary. A charge is not allowed under the ordinary law in such cases and there is no reason why a creditor should get a greater advantage under this Regulation than under the ordinary law. A charge will give undue preference to a particular creditor who comes to Court, and we fear that it may lead to collusive decrees also. We further consider that the provision for sale of the property in pursuance of attachment ordered under this sub-section may be inserted as a separate sub-section instead of as a proviso to this sub-section.

We have substituted the following in place of Sub-section (2) in this sub-clause of the Bill :—

> (2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment of any agricultural land belonging to the judgment-debtor."

(2) *Sub-section* (3).—It was urged by two members that a provision should be inserted allowing attachment before judgment of the agricultural land.

But all the other members were against this suggestion as the provision for attachment under Sub-section (2) in special cases is itself an inroad on one of the main objects of the Regulation, *viz.*, the preservation of the land to the agriculturist, and it is not desirable to whittle it down further. Since attachment can be ordered only when the Court decides on ordering payment by instalments, it will be inconsistent and premature to allow attachment before judgment. We have redrafted this sub-section as follows for the purpose of clarity :—

> (3) The procedure in respect of attachments ordered under Sub-section (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment

Clause 3.-

S.12 A. After the words "shall be annual" add the words "and equal"

Add a proviso to 12 A. as follows:--

Provided that the time for the first in shall not be prior to the next harv season after decree

Movers.-Messrs. B.S. Puttaswamy and H.C.Dasapp

clause 4 (2) (Amendment of section 14), a provisi
may be added as follows:-

"Provided that nothing herein contained shall prevent the Courts from ordering attachment before judgment under Order 38, Rule 5 of the C Civil Procedure Code."

over.-Mr. G. Channappa.

clause 4 (3), delete the words "as far as may be" after "The procedure in respect of attachments ordered under sub section (2) shall be,"

lover.-Mr. T. Madiah Gowda.

fter clause 4 (4), a provision may be added as follc

"Provided that the court may after enquiry it any time order the sale of the attached agri sultural land, if the judgment debtor voluntari brings property for sale for arrear of land revenue or for the debts of other creditors wi a view to defeat the claims of the attached creditors "

Mover.-Mr. G. Channappa.

Delete Section 25 A.

Movers.-Messrs. B.S.Puttaswamy & H.C.Dasappa.

elete clause 5.

dd in clause 5 to Section 25 A after "from time to time", "after obtaining the consent of the Legislative Council by passing a resolution,"

ubstitute the words "any proceedings" for 'any matter to or" for Section 25 A in clause 5 after the woreg "shall not apply to"

over.- Mr. T. Madiah Gowda.

A Bill to amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows. Preamble.

This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 193 . Short Title.

[2 In the second sentence of paragraph 2 of Section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate," and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.] [Amendment of Section 11.]

2. [3 (1)] The following shall be substituted for the first paragraph of Section 12 of the Regulation :—

"[The Court may, in its discretion,] In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist, *the Court may, on the application of either party*, direct that any amount payable under that decree shall be paid by instalments." Amendment of Section 12.

[(2) In the second paragraph of the said section, a full stop shall be inserted after the word "rate" and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.]

3. [4] The following shall be added after Section 12 as Sections 12-A and 12-B :- Additions of new Sections 12-A and 12-B

12-A. [In fixing the number of] The instalments to be allowed under Sections 11 and 12, *shall be annual, and in fixing the number of such instalments*, the Court shall take into consideration *among other matters*, the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

12-B. Whenever the Court orders payment by instalments, it may direct that *when two or more instalments are in arrears,* [in the event, of default in the payment of any two consecutive instalments,] the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

4. [5] (i) In Section 14 of the Regulation, for the words " No immovable property " at the beginning of the sentence, the words " Except as otherwise provided in Sub-sections (2), (3) and (4) no agricultural land " shall be substituted.

(ii) The following shall be added as Sub-sections (2), (3) and (4), the existing paragraph being numbered as Sub-section (1) :—

" (2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment [and sale] of any agricultural land belonging to the judgment-debtor. [to declare a charge against such land within the meaning of Section 100 of the Transfer of Property Regulation 1918 :]

[Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.]

(3) The *procedure in respect of* [provisions relating to] attachments *ordered under Sub-section* (2) *shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of the Civil Procedure Code, 1911,* [before judgment, contained in rules 5 to 12 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under Sub-section,(2).]

[(4) An attachment ordered under Sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied.]

" (4) *No agricultural land ordered to be attached under Sub-section* (2) *shall be sold in pursuance of such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree.*"

Amendment of Section 20.] [6. In paragraph 2 of Section 20, after the words " operation of law," the words " or by an order of the Court under Section 14 " shall be inserted.]

Addition of a new Section 25A

5. [7] The following shall be added as Section 25 A :—

Amendment of Section 14.

4. [5] (i) In Section 14 of the Regulation, for the words " No immovable property " at the beginning of the sentence, the words " Except as otherwise provided in Sub-sections (2), (3) and (4) no agricultural land " shall be substituted.

(ii) The following shall be added as Sub-sections (2), (3) and (4), the existing paragraph being numbered as Sub-section (1) :—

" (2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment [and sale] of any agricultural land belonging to the judgment-debtor. [or declare a charge against such land within the meaning of Section 100 of the Transfer of Property Regulation 1918 :]

[Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of t agricultural land so attached or charged upon shall ordered unless the judgment-debtor is in default in t payment of two or more consecutive instalments directed in the decree.]

(3) The *procedure in respect of* [provisions relati to] attachments *ordered under Sub-section* (2) *shall be, far as may be, in accordance with the procedure relati to attachment before judgment under Order XXXVIII the Civil Procedure Code, 1911*, [before judgment, co tained in rules 5 to 12 of Order XXXVIII of the Ci Procedure Code as in force in Mysore, shall be applicab to attachments ordered under Sub-section,(2).]

[(4) An attachment ordered under Sub-section (at the time of passing a decree shall subsist until t decree has been paid off or otherwise satisfied.]

" (4) *No agricultural land ordered to be attach under Sub-section (2) shall be sold in pursuance of su attachment unless the judgment-debtor is in arrears respect of two or more instalments under the decree.*"

[Amendment of Section 20.]

[6. In paragraph 2 of Section 20, after the wor " operation of law," the words "or by an order of t Court under Section 14 " shall be inserted.]

Addition of a new Section 25A

5. [7] The following shall be added as Sectic 25 A :—

25 A. The Government may, by notification in the Official Gazette, from time to time, direct that the provisions of this Regulation, except Sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

Exemption in respect of certain Co-operativ Societies.

Printed by the Superintendent at the Government Press, Bangalo

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue ... 27.8.85

Signed by ... [illegible]

Section

File No.

Serial No.

No. P 1373-81
Enclosure to each

To The Members of
S. C (Rules)

Dear Sir

I enclose herewith the
for your approval
draft report [illegible] early
of the Select Committee
on the Bill to amend
the Haryana Agricultural
Orders Act, 192

Yours faithfully

222

1326 /35
P 52

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

Bangalore, 29th August 1935.

Dear Sir,

I am returning herewith, duly approved, the draft Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928, received with your letter No. P.1373-81 dated the 27th August 1935.

Yours sincerely,

M Narayanaswamy Iyer

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary, Mysore Legislative Council,
BANGALORE.

DRAFT REPORT.

Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation.

We, the undersigned, members of the Select Committee to which the bill to amend the Mysore Agriculturists' Relief Regulation, 1928, was referred, have considered the bill at the meeting held on the 6th of August 1935 and have now the honour to submit herewith this our report :—

Clause 2.—Under the general law, *i.e.*, section 34 of the Civil Procedure Code, the Court is given discretion to allow future interest or refuse it according to the circumstances of the case. We are of the opinion that the position of the debtor in respect of this matter under the Agriculturists' Relief Regulation should not be less favourable than under the ordinary law, and we therefore propose that para 2 of sub-section (1) of section 11 be retained as it is, and that clause 2 of the bill may be deleted.

Clause 3.—(1) *Sub-clause* (1).—The new sub-section (2) which is proposed to be added to section 14 of the Regulation by this bill, provides for attachment of the agricultural land of a debtor only in the case of instalment decrees. In order to circumvent this provision, the judgment-debtor may abstain from applying for instalments or may even object to instalments. In such cases, we consider that the Court should have power to direct instalments if the decree-holder desires that an instalment decree should be passed in order to avail himself of the provisions of the new sub-section (2) proposed to be added to section 14 of the Regulation. We therefore propose that sub-clause (1) of clause 3 of the bill be amended giving discretion to the Court under section 12 of the Regulation to direct instalments on the application of either party. The sub-clause as amended will read as follows :

(1) The following shall be substituted for the first paragraph of section 12 ;—

"In passing a decree for money in any suit under this Regulation or in the course of any proceedings under

a decree passed whether before or after this Regulation comes into force against an agriculturist, the Court may, on the application of either party, direct that any amount payable under that decree shall be paid by instalments."

(2 *Sub-clause (2).*—For the reasons stated under clause 2 above, we consider that para 2 of section 12 be retained as it is and that sub-clause (2) of clause 3 may be deleted.

Clause 4.—(1) *Section 12 A.*—We consider that instalments ordered under sections 11 and 12 should be annual, as agricultural income ordinarily accrues once a year. In fixing the number of instalments, there may be other factors than the two mentioned in this clause, which the Court may take into consideration. We have therefore substituted the following for this clause:—

> "12A. The instalments to be allowed under sections 11 and 12 shall be annual, and in fixing the number of such instalments, the Court shall take into consideration among other matters the period during which the loan was outstanding and the repaying capacity of the judgment-debtor."

(2) *Section 12 B.*—In order to make it clear that the right to enforce payment of the whole of the remaining amount of the decree will accrue only if two or more instalments are actually in arrears, we have substituted the words "when two or more instalments are in arrears" for the words "in the event of default in payment of any two consecutive instalments."

Clause 5.—Sub-Clause (ii).

(1) *Sub-section (2).*—We consider that the provision for attachment of the agricultural land under certain circumstances is a sufficient safeguard and that the provision for declaring a charge is unnecessary. A charge is not allowed under the ordinary law in such cases and there is no reason why a creditor should get a greater advantage under this Regulation than under the ordinary law. A charge will give undue preference to a particular creditor who comes to Court, and we fear that it may lead to collusive decrees also. We further consider that the provision for sale of the property in pursuance of attachment ordered under this sub-section may be inserted as a separate sub-section instead of as a proviso to this subsection.

We have substituted the following in place of sub-section (2) in this sub-clause of the bill :—

> "(2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment of any agricultural land belonging to the judgment-debtor."

(2) *Sub-section* (3).—It was urged by two members that a provision should be inserted allowing attachment before judgment of the agricultural land.

But all the other members were against this suggestion as the provision for attachment under sub-section (2) in special cases is itself an inroad on one of the main objects of the Regulation, *viz.*, the preservation of the land to the agriculturist, and it is not desirable to whittle it down further. Since attachment can be ordered only when the Court decides on ordering payment by instalments, it will be inconsistent and premature to allow attachment before judgment. We have redrafted this sub-section as follows for the purpose of clarity :—

> "(3) The procedure in respect of attachments ordered under sub-section (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of the Civil Procedure Code, 1911."

(3) *Sub-section* (4).—We consider that this provision is unnecessary as under Rule 57 of Order XXI C. P. C., as in force in Mysore, the attachment does not cease automatically on the dismissal of an execution petition, but the Court has to direct whether the attachment shall continue or cease. The decree-holder will take care to keep the attachment alive.

(4) We have inserted the following as sub-section (4) providing for sale in pursuance of the attachment under sub-section (2) :—

> "No agricultural land ordered to be attached under sub-section (2) shall be sold in pursuance of

such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree."

Clause 6.—In view of the amendment proposed by us in sub-section (2) of sub-clause (ii) of clause 5 deleting the provision allowing the Court to declare a charge on the agricultural land, there is no necessity for the amendment proposed by this clause of the bill and section 20 of the Regulation may be retained as it is.

As we have made many changes, the bill as amended by us may be republished.

As amended by the Select Committee.

N.B.—Portions added are printed in italics and portions deleted are enclosed in square brackets.

A Bill to amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 193 . Short Title.

[2. In the second sentence of paragraph 2 of section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.] [Amendment of section 11.]

2. [3 (1)] The following shall be substituted for the first paragraph of section 12 of the Regulation:— Amendment of section 12.

"[The Court may, in its discretion,] In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist, *the Court may, on the application of either party*, direct that any amount payable under that decree shall be paid by instalments."

[(2) In the second paragraph of the said section, a full stop shall be inserted after the word "rate" and the

words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.]

Additions of new sections 12-A & 12-B.

3. [4] The following shall be added after section 12 as sections 12-A and 12-B:—

12A. [In fixing the numdèr of] The instalments to be allowed under sections 11 and 12, *shall be annual, and in fixing the number of such instalments,* the Court shall take into consideration *among other matters,* the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

12-B. Whenever the Court orders payment by instalments, it may direct that *when two or more instalments are in arrears,* [in the event, of default in the payment of any two consecutive instalments,] the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of section 14.

4. [5] (i) In section 14 of the Regulation, for the words "No immovable property" at the beginning of the sentence, the words "Except as otherwise provided in sub-sections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as sub-sections (2), (3) and (4), the existing paragraph being numbered as sub-section (1):—

"(2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment [and sale] of any agricultural land belonging to the judgment-debtor. [or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation, 1918:]

[Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.]

(3) The *procedure in respect of* [provisions relating to] attachments *ordered under sub-section (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of*

the Civil Procedure Code, 1911, [before judgment, contained in rules 5 to 12 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).]

[(4) An attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied.]

"(4) *No agricultural land ordered to be attached under sub-section (2) shall be sold in pursuance of such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree.*"

[Amendment of section 20.]

[6. In paragraph 2 of section 20, after the words "operation of law," the words "or by an order of the Court under section 14" shall be inserted.]

Addition of a newsection 25A.

5. [7] The following shall be added as section 25 A :—

Exemption in respect of certain Co-operative Societies.

25 A. The Government may, by notification in the Official Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

GENERAL AND REVENUE SECRETARIAT,

No.F. 1373-81 Dated, Bangalore, the 19th August 193
R. dom 29

Dear Sir

I enclose herewith for your approval and kind return early, draft Report of the Select Committe on the Bill to amend the Mysore Agriculturists' Relief Regulation, 1929

Yours sincerely,

Secretary,
Legislative Council.

GENERAL AND REVENUE SECRETARIAT,

O.P. 1373-81 Enclosure

Dated, Bangalore, the 19th August 193 29

Dear Sir

I enclose herewith for your approval and kind return early draft Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation, 1929.

Yours sincerely,

Secretary,
Legislative Council.

To

Madhava Rao, Esq., B.A., B.L.,
Revenue Commissioner in Mysore,
Bangalore.

[illegible]

D.O.No. 1378-81 Dated, Bangalore, the 19th August 1935
27

Dear Sir,

I enclose herewith for your approval and kind return early, draft Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

Yours sincerely,

Secretary,
Legislative Council.

To

Khan Bahadur Mahomed Abdesthan, Esq.,
Member of the Mysore Legislative Council, Bangalore

H. SIDDAIYA. B. A., LL. B.,
ADVOCATE
MEMBER OF THE SENATE
MUNICIPAL COUNCILLOR
AND MEMBER OF THE MYSORE LEGISLATIVE COUNCIL.

1402/935

SHIMOGA. 61

Dated 2nd September 1935.

To

The Secretary
Legislative Council
Bangalore.

Sir,

I approve of the Report of the Select Committee and I have sent back the same today.

Yours sincerely
H. Siddaiya.
2/9/35.

RAJASABHABHUSHANA
K. R. SRINIVASIENGAR
RETIRED MEMBER OF COUNCIL

FIFTH ROAD, CHAMARAJAPET
Bangalore City

1418 & 35 62

21/7/35

Dear Mr Subramania Iyer

I herewith return with my signature on approval the draft report of the Select Committee on the Agriculturists Relief & Regulation amendment Bill sent by you with your letter no 1373-81 & 19th inst.

Yours sincerely

GENERAL AND REVENUE SECRETARIAT,

No.P. 1373-81 Dated, Bangalore, the 19th August 193

Dear Sir,

I enclose herewith for your approval and kind return early, draft Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

Yours sincerely,

Secretary,
Legislative Council.

To

K.V. Shantaraman, Esq.,
Chief Secretary to Government,
Bangalore.

Abbd by
Hon D. to, Chandrasekharaiya

1468 735
P. 04

DRAFT REPORT.

Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation.

We, the undersigned, members of the Select Committee to which the bill to amend the Mysore Agriculturists' Relief-Regulation, 1928, was referred, have considered the bill at the meeting held on the 6th of August 1935 and have now the honour to submit herewith this our report :—

Clause 2.—Under the general law, *i.e.*, section 34 of the Civil Procedure Code, the Court is given discretion to allow future interest or refuse it according to the circumstances of the case. We are of the opinion that the position of the debtor in respect of this matter under the Agriculturists' Relief Regulation should not be less favourable than under the ordinary law, and we therefore propose that para 2 of sub-section (1) of section 11 be retained as it is, and that clause 2 of the bill may be deleted.

Clause 3.—(1) *Sub-clause* (1).—The new sub-section (2) which is proposed to be added to section 14 of the Regulation by this bill, provides for attachment of the agricultural land of a debtor only in the case of instalment decrees. In order to circumvent this provision, the judgment-debtor may abstain from applying for instalments or may even object to instalments. In such cases, we consider that the Court should have power to direct instalments if the decree-holder desires that an instalment decree should be passed in order to avail himself of the provisions of the new sub-section (2) proposed to be added to section 14 of the Regulation. We therefore propose that sub-clause (1) of clause 3 of the bill be amended giving discretion to the Court under section 12 of the Regulation to direct instalments on the application of either party. The sub-clause as amended will read as follows :

(1) The following shall be substituted for the first paragraph of section 12 :—

"In passing a decree for money in any suit under this Regulation or in the course of any proceedings under

a decree passed whether before or after this Regulation comes into force against an agriculturist, the Court may, on the application of either party, direct that any amount payable under that decree shall be paid by instalments."

(2 *Sub-clause (2).*—For the reasons stated under clause 2 above, we consider that para 2 of section 12 be retained as it is and that sub-clause (2) of clause 3 may be deleted.

Clause 4.—(1) *Section 12 A.*—We consider that instalments ordered under sections 11 and 12 should be annual, as agricultural income ordinarily accrues once a year. In fixing the number of instalments, there may be other factors than the two mentioned in this clause, which the Court may take into consideration. We have therefore substituted the following for this clause :—

> "12A. The instalments to be allowed under sections 11 and 12 shall be annual, and in fixing the number of such instalments, the Court shall take into consideration among other matters the period during which the loan was outstanding and the repaying capacity of the judgment-debtor."

(2) *Section 12 B.*—In order to make it clear that the right to enforce payment of the whole of the remaining amount of the decree will accrue only if two or more instalments are actually in arrears, we have substituted the words "when two or more instalments are in arrears" for the words "in the event of default in payment of any two consecutive instalments."

Clause 5.—Sub-Clause (ii).

(1) *Sub-section (2).*—We consider that the provision for attachment of the agricultural land under certain circumstances is a sufficient safeguard and that the provision for declaring a charge is unnecessary. A charge is not allowed under the ordinary law in such cases and there is no reason why a creditor should get a greater advantage under this Regulation than under the ordinary law. A charge will give undue preference to a particular creditor who comes to Court, and we fear that it may lead to collusive decrees also. We further consider that the provision for sale of the property in pursuance of attachment ordered under this sub-section may be inserted as a separate sub-section instead of as a proviso to this subsection.

We have substituted the following in place of sub-ction (2) in this sub-clause of the bill :—

"(2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment of any agricultural land belonging to the judgment-debtor."

(2) *Sub-section* (3).—It was urged by two members at a provision should be inserted allowing attachment fore judgment of the agricultural land.

But all the other members were against this suggestion the provision for attachment under sub-section (2) in ecial cases is itself an inroad on one of the main objects the Regulation, *viz.*, the preservation of the land to the riculturist, and it is not desirable to whittle it down rther. Since attachment can be ordered only when the ourt decides on ordering payment by instalments, it will inconsistent and premature to allow attachment before dgment. We have redrafted this sub-section as follows the purpose of clarity :—

"(3) The procedure in respect of attachments ordered under sub-section (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of the Civil Procedure Code, 1911."

(3) *Sub-section* (4).—We consider that this provi-n is unnecessary as under Rule 57 of Order XXI C. P. C., in force in Mysore, the attachment does not cease tomatically on the dismissal of an execution petition, t the Court has to direct whether the attachment shall ntinue or cease. The decree-holder will take care to keep attachment alive.

(4) We have inserted the following as sub-section providing for sale in pursuance of the attachment der sub-section (2) :—

"No agricultural land ordered to be attached under sub-section (2) shall be sold in pursuance of

such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree."

Clause 6.—In view of the amendment proposed by us in sub-section (2) of sub-clause (ii) of clause 5 deleting the provision allowing the Court to declare a charge on the agricultural land, there is no necessity for the amendment proposed by this clause of the bill and section 20 of the Regulation may be retained as it is.

As we have made any changes, the bill as amended by us may be republished.

As amended by the Select Committee.

N.B.—Portions added are printed in italics and portions deleted are enclosed in square brackets.

A Bill to amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 193 . Short Title.

[2. In the second sentence of paragraph 2 of section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.] [Amendment of section 11.]

2. [3 (1)] The following shall be substituted for the first paragraph of section 12 of the Regulation:— Amendment of section 12.

"[The Court may, in its discretion,] In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist, *the Court may, on the application of either party,* direct that any amount payable under that decree shall be paid by instalments."

[(2) In the second paragraph of the said section, a full stop shall be inserted after the word "rate" and the

words unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.]

Additions of new sections 12-A & 12-B.

3. [4] The following shall be added after section 12 as sections 12-A and 12-B :—

12A. [In fixing the numder of] The instalments to be allowed under sections 11 and 12, *shall be annual, and in fixing the number of such instalments*, the Court shall take into consideration *among other matters*, the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

12-B. Whenever the Court orders payment by instalments, it may direct that *when two or more instalments are in arrears*, [in the event, of default in the payment of any two consecutive instalments,] the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of section 14.

4. [5] (i) In section 14 of the Regulation, for the words "No immovable property" at the beginning of the sentence, the words "Except as otherwise provided in sub-sections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as sub-sections (2), (3) and (4), the existing paragraph being numbered as sub-section (1) :—

"(2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment [and sale] of any agricultural land belonging to the judgment-debtor. [or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation, 1918:]

[Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.]

(3) The *procedure in respect of* [provisions relating to] attachments *ordered under sub-section (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of*

the Civil Procedure Code, 1911, [before judgment, contained in rules 5 to 12 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).]

[(4) An attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied.]

"(4) *No agricultural land ordered to be attached under sub-section (2) shall be sold in pursuance of such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree.*"

[6. In paragraph 2 of section 20, after the words operation of law," the words "or by an order of the Court under section 14" shall be inserted.] [Amendment of section 20.]

5. [7] The following shall be added as section 5 A:— Addition of a newsection 25A.

25 A. The Government may, by notification in the Official Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies. Exemption in respect of certain Co-operative Societies.

Approved

D. V. Chandrasekhara Iyengar

4/9/35.

K. CHENGALARAYA REDDY.
B.A., B.L., M.L.C.,
PRESIDENT, DISTRICT BOARD,
KOLAR DISTRICT.

1708 P 35 KOLAR.

DATED 12th Septr 1935

Dear Sir,

I send enclosed herewith the Report of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation 1928, duly approved.

I have the honour to remain,
Sir,
Your most obedient servant,

K. Chengalaraya Reddy.

To

The Secretary,
Mysore Legislative Council,
Public Offices, Bangalore.

D. O. No. P 1107 Enclose

GENERAL AND REVENUE SECRETARIAT,

Bangalore, Dated, 15th August 1935.

Dear Sir,

I enclose herewith matter pertaining to draft report of the Select Committee on the Agriculturists' Relief(Ameddment) Bill and request that the same may kindly be caused to be set in type and two clean proofs furnished by Saturday morning.

Yours sincerely,

B. Srinivasa Iyengar, Esq., B.A.,
Superintendent, Government Printing.

REPORT of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation.

We, the undersigned, members of the Select Committee to which the bill to amend the Mysore Agriculturists' Relief Regulation, 1928, was referred, have considered the bill at the meeting held on the 6th of August 1935 and have now the honour to submit herewith this our report:-

Clause 2.- Under the general law, i.e., Section 24 of the Civil Procedure Code, the Court is given discretion to allow future interest or refuse it according to the circumstances of the case. We are of the opinion that in respect of this matter under the Agriculturists Relief Regn be less favourable than *the position of the debtor should not ~~become worse~~ under the law* ordinary *~~as amended~~ and we therefore propose that para 2 of subsection (1) of section 11 be retained as it is, and that clause 2 of the bill may be deleted.*

Clause 3.- (1) Sub-clause (1).- The new subsection (1) *~~section (2)~~ which is proposed to be added to section 14 of the Regulation by this bill, provides for attachment of the agricultural land* of a debtor *only in* cases *of instalment decrees. In order to circumvent this provision, the judgment-debtor may abstain from applying for instalments or may even object to instalments. In such cases, we consider* that *the Court should have power to direct instalments if the decree-holder desires that an instalment decree should be passed in order to avail himself of the provisions of the new subsection (2) proposed to be added to section 14 of the Regulation. We therefore propose that sub clause (1) of clause 3 of the bill be amended giving discretion to the Court under section 12 of the Regulation to direct instalments on the application of either party. The sub clause as amended*

amended will read as follows:

" (1) The following shall be substituted for the first paragraph of section 12:-

In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist, the Court may, on the application of either party, direct that any amount payable under that decree shall be paid by instalments."

(2) Sub Clause (2).- For the reasons stated under clause 2 above, we consider that para 2 of section 12 be retained as it is and that sub clause (2) of clause 3 may be deleted.

Clause 4.- (1) Section 12 A.- We consider that instalments ordered under sections 11 and 12 should be annual, as agricultural income ordinarily accrues once a year. In fixing the number of instalments, there may be other factors than the two mentioned in this clause, which the Court may take into consideration. We have therefore substituted the following for this clause :-

" 12 A. The instalments to be allowed under sections 11 and 12 shall be annual, and in fixing the number of such instalments, the Court shall take into consideration among other matters the period during which the loan was outstanding and the repaying capacity of the judgment-debtor."

(2) Section 12 B.- In order to make it clear that the whole of the remaining amount of the decree will ~~fall due~~ accrue when two or more instalments ~~fall~~ are actually into arrears, we have substituted the words " when two or more instalments are in arrears" for the words " in the event of default in payment of any two consecutive instalments."

Clause 5.- Sub Clause (ii)

(1) Subsection (2).- We consider that the provision for attachment of the agricultural land under certain circumstances is a sufficient safeguard and the provision for declaring a charge is unnecessary A charge is not allowed under the ordinary law in such cases and there is no reason why a creditor should get a greater advantage under this Regulation than under th ordinary law. A charge will give undue preference to a particular creditor who comes to Court, and we fea that it may lead to collusive decrees also. We further consider that the provision for sale of the property in pursuance of attachment ordered under this subsection may be inserted as a separate subsection instead of as proviso to this subsection.

have substitute the following in place of subsection (2 in this sub clause of the bill:-

> *" (2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment of any agricultural land belonging to the judgment-debtor."*

(2) Subsection (3).- It was urged by two members that a provision should be inserted allowing attachment before judgment of the agricultural land.

But all the other members were against this suggestion as the provision for attachment under sub-section (2) in special cases is itself an inroad on one of the main objects of the Regulation, viz., the preservation of the land to the agriculturist, and it is not desirable to whittle it down further. Since

Since attachment can be ordered only when the Court decides on ordering payment by instalments, it will be inconsistent and premature to allow attachment before judgment. We have redrafted this subsection as follows for the purpose of clarity:-

> " (3) The procedure in respect of attachments ordered under subsection (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of the Civil Procedure Code".

(3) Subsection (4).- We consider that this provision is unnecessary as ~~we are of opinion that the attachment ordered under section (2) on failure to furnish security will not be affected by Order XXI Rule 57 of the Civil Procedure Code. Even if it is, the decree-holder will take care to keep alive the attachment where the Court orders dismissal of an execution petition,~~ since under Rule 57 of Order XXI C.P.C, ~~as in force in Tamil Nadu has been amended~~ the attachment does not cease automatically on the dismissal of an execution petition but the Court has to direct whether the attachment shall continue or cease. We decided

(4) We have inserted the following as subsection (4) providing for sale in pursuance of the attachment under subsection (2):-

> " No agricultural land ordered to be attached under subsection (2) shall be sold in pursuance of such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree."

Clause 6. - In view of the amendment proposed by us in subsection (2) of sub clause (ii) of clause 5 deleting the provision allowing the Court to ~~direct~~ decline a charge on the agricultural land, there is no necessity for the amendment proposed by this clause of the bill and section 20 of the Regulation may be retained as it is.

As we have made many changes, the bill as amended may be republished.

As we have made many changes, the bill as amended may be republished.

NOTIFICATION.

No. 3613—L. C., Bangalore, dated 28th May 1935.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary, Mysore Legislative Council.

Bill to Amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment), Regulation, 193 . Short Title.

[2. In the second sentence of paragraph 2 of section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.] [Amendment of section 11.]

[3.] [(1)] The following shall be substituted for the first paragraph of section 12 of the said Regulation:— Amendment of section 12.

"[The Court may, in its discretion,] in passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist direct that any amount payable under that decree shall be paid by instalments."

The Court may, on the application of either party,

[(2) In the second paragraph of the said section a full stop shall be inserted after the word "rate" and the words "unless for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.]

Additions of new sections 12A & 12B.

3 [4.] The following shall be added after section 12 as sections 12A and 12B :—

12A. [In fixing the number of instalments to be allowed under sections 11 and 12] the courts shall take into consideration [the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

12B. Whenever the Court orders payment by instalments it may direct that [in the event of default in the payment of any two consecutive instalments], the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of section 14.

4. [5.] (i) In section 14 of the said Regulation for the words "no immovable property" at the beginning of the sentence the words "Except as otherwise provided in sections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as sub-sections (2), (3) & (4), the existing paragraph being numbered as sub-section (1) :—

"(2) The court may at the time of passing a decree for money directing payment [instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment [and sale] of any agricultural land belonging to the judgment debtor [or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation, 1918 :]

[Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.]

(3) The [provisions] relating to attachment [before judgment, contained in rules ~~12 and 19~~ of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).]

[(4) An attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied.]

Amendment of section 20.

[6.] In paragraph 2 of section 20, after the words "operation of law", the words "or by an order of the Court under section 14" shall be inserted.]

5. [7.] The following shall be added as section 25 A :—

25 A. The Government may, by notification in the official Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

Statement of Objects and Reasons.

In September 1934, a Committee was appointed by the Government under the Chairmanship of *Rajasabhabhushana* K. R. Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a report to Government. The Committee examined the question and submitted to Government in February 1935, an exhaustive report together with the draft of a Bill, embodying their recommendations.

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P. 6406-16—Legis. 20-34-7, dated 23rd May 1935 and this Bill is intended to secure the amendment of the Regulation on those lines.

The general principles of the proposed amendments to the Bill are as follows :—

Under the Regulation, the Court is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision empowering a Court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the Civil Procedure Code in case of suits under this Regulation also. It is proposed to amend section 12 so as to include specifically such a power.

2. The existing discretionary power of Courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases the rate of interest being, however, left to be determined by the Courts.

3. The Bill provides for the addition of a new provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the Courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment debtor.

4. The Courts will be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable.

5. Exemption from attachment and sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immoveables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

6. Power will be vested in the Government to exempt particular co-operative societies or classes of co-operative societies at their discretion from the operation of the provisions of the Regulation.

N.B.: Portions added by the Select Committee are printed in Italics and portions deleted by it are enclosed in square brackets. 61

As amended by the Select Committee.

A Bill to Amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment), Regulation, 193 Short Title.

[2. In the second sentence of paragraph 2 of section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.] [Amendment of section 11.]

2. [3. (1)] The following shall be substituted for the first paragraph of section 12 of the said Regulation:— Amendment of section 12.

"[The Court may, in its discretion,] In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist [direct that any amount payable under that decree shall be paid by instalments."

The Court may on the application of either party

[(2) In the second paragraph of the said section a full stop shall be inserted after the word "rate" and the words "unless for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.]

Additions of new sections 12A & 12B.

3. [4.] The following shall be added after section 12 as sections 12A and 12B :—

12A. [In fixing the number of] instalments to be allowed under sections 11 and 12 the court] shall take into consideration the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

12B. Whenever the Court orders payment by instalments it may direct that [in the event of default in the payment of any two consecutive instalments] the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of section 14.

4. [5.] (i) In section 14 of the said Regulation for the words "no immovable property" at the beginning of the sentence the words "Except as otherwise provided in sections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as sub-sections (2), (3) & (4), the existing paragraph being numbered as sub-section (1) :—

"(2) The court may at the time of passing a decree for money directing payment] instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment [and] sale] of any agricultural land belonging to the judgment debtor, [or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation, 1918 :]

[Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.]

(3) The [provisions relating to] attachment [before judgment, contained in rules ~~12 and 13~~ of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).]

[(4) An attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied."]

Amendment of section 20.

[6. In paragraph 2 of section 20, after the words "operation of law", the words "or by an order of the Court under section 14" shall be inserted.]

7. The following shall be added as section 25 A :— Amendment of section 25.

25 A. The Government may, by notification in the official Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of

REPORT of the Select Committee on the Bill to amend the Mysore Agriculturists' Relief Regulation.

We, the undersigned, members of the Select Committee to which the bill to amend the Mysore Agriculturists' Relief Regulation, 1928, was referred, have considered the bill at the meeting held on the 6th of August 1935 and have now the honour to submit herewith this our report:-

Clause 2.- *Under the general law, i.e., Section 34 of the Civil Procedure Code, the Court is given discretion to allow future interest or refuse it according to the circumstances of the case. We are of the opinion that the position of the debtor should not be less favourable than ~~become worse~~ under the ordinary law ~~as amended~~ and we therefore propose that para 2 of subsection (1) of section 11 be retained as it is, and that clause 2 of the bill may be deleted.*

in respect of this matter under the Agriculturists' Relief Regulation

Clause 3.- *(1) Sub-clause (1).-* *The new subsection (2) ~~section (2)~~ which is proposed to be added to section 14 of the Regulation by this bill, provides for attachment of the agricultural land of a debtor only in the case of instalment decrees. In order to circumvent this provision, the judgment-debtor may abstain from applying for instalments or may even object to instalments. In such cases, we consider that the Court should have power to direct instalments if the decree-holder desires that an instalment decree should be passed in order to avail himself of the provisions of the new subsection (2) proposed to be added to section 14 of the Regulation. We therefore propose that sub clause (1) of clause 3 of the bill be amended giving discretion to the Court under section 12 of the Regulation to direct instalments on the application of either party. The sub clause as amended*

amended will read as follows:

" (1) The following shall be substituted for the first paragraph of section 12:-

In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist, the Court may, on the application of either party, direct that any amount payable under that decree shall be paid by instalments."

(2) Sub Clause (2).- For the reasons stated under clause 2 above, we consider that para 2 of section 12 be retained as it is and that sub clause (2) of clause 3 may be deleted.

Clause 4.- (1) Section 12 A.- We consider that instalments ordered under sections 11 and 12 should be annual, as agricultural income ordinarily accrues once a year. In fixing the number of instalments, there may be other factors than the two mentioned in this clause, which the Court may take into consideration. We have therefore substituted the following for this clause :-

" 12 A. The instalments to be allowed under sections 11 and 12 shall be annual, and in fixing the number of such instalments, the Court shall take into consideration among other matters the period during which the loan was outstanding and the repaying capacity of the judgment-debtor."

(2) Section 12 B.- In order to make it clear that the whole of the remaining amount of the decree will fall due only when two or more instalments fall into arrears, we have substituted the words " when two or more instalments are in arrears" for the words " in the event of default in payment of any two consecutive instalments".

Clause 5.- Sub Clause (ii)

(1) Subsection (2).- We consider that the provision for attachment of the agricultural land under certain circumstances is a sufficient safeguard and that the provision for declaring a charge is unnecessary. A charge is not allowed under the ordinary law in such cases and there is no reason why a creditor should get a greater advantage under this Regulation than under the ordinary law. A charge will give undue preference to a particular creditor who comes to Court, and we fear that it may lead to collusive decrees also. We further consider that the provision for sale of the property in pursuance of attachment ordered under this subsection may be inserted as a separate subsection instead of as a proviso to this subsection.

We have substituted the following in place of subsection (2) in this sub clause of the bill:-

> " (2) The Court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment of any agricultural land belonging to the judgment-debtor."

(2) Subsection (3).- It was urged by two members that a provision should be inserted allowing attachment before judgment of the agricultural land.

But all the other members were against this suggestion as the provision for attachment under sub-section (2) in special cases is itself an inroad on one of the main objects of the Regulation, viz., the preservation of the land to the agriculturist, and it is not desirable to whittle it down further. Since

Since attachment can be ordered only when the Court decides on ordering payment by instalments, it will be inconsistent and premature to allow attachment before judgment. We have redrafted this subsection as follows for the purpose of clarity:-

> " (3) The procedure in respect of attachments ordered under subsection (2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of the Civil Procedure Code".

(3) Subsection (4).- We consider that this provision is unnecessary as ~~we are of opinion that the~~ under Rule 57 of Order XXI C.P.C, as in force in Cyprus, the attachment ~~attachment ordered under section (2) on failure to furnish~~ does not cease automatically on the ~~furnish security will not be affected by order~~ dismissal of an execution petition, but the ~~Rule 57 of the Civil Procedure Code.~~ Even if it is, court has to direct whether the attachment ~~the decree-holder will take care to keep alive the~~ shall continue or cease. The decree ~~attachment which~~ the Court orders dismissal of an ~~execution petition.~~" holder will take care to keep the attachment alive

(4) We have inserted the following as subsection (4, providing for sale in pursuance of the attachment under subsection (2):-

> " No agricultural land ordered to be attached under subsection (2) shall be sold in pursuance of such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree."

Clause 6. - In view of the amendment proposed by us in subsection (2) of sub clause (ii) of clause 5 deleting the provision allowing the Court to ~~direct~~ declare a charge on the agricultural land, there is no necessity for th amendment proposed by this clause of the bill and section 20 of the Regulation may be retained as it is.

As we have made many changes, the bill as amended may be republished.

N.B.—~~The section of the Regulation as amended in the manner proposed in the Bill is given immediately below each clause of the Bill.~~ The portions added are indicated in italics and the portions deleted are enclosed in square brackets.

A Bill to Amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 193 . Short Title.

[2. In the second sentence of paragraph 2 of Section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.] [Amendment of section 11.]

11. (1) The Court may, in its discretion, in passing a decree for redemption, foreclosure or sale in any suit under this Regulation or in the course of any proceedings under a decree for redemption, foreclosure or sale passed in any such suit, whether before or after this Regulation comes into force, direct that any amount payable by the mortgagor under that decree shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and where the mortgagee is in possession as to the appropriation of the profits and accounting therefor, as it thinks fit. Power to order payment by instalments in case of decree for redemption, foreclosure or sale.

Where the Court decides that an amount due by a mortgagor should be paid in instalments, it shall fix such instalments as may seem equitable. It shall further allow future interest at a moderate rate. [unless, for reasons to be recorded in writing, it deems it unnecessary to do so.] Instalments shall not extend over a period exceeding eight years unless the Court thinks necessary for reason to be stated in writing.

(2) In passing a decree for redemption or foreclosure in any such suit as aforesaid, the Court may direct that the amount payable by the mortgagor shall be discharged by continuing the mortgagee in possession for such further period as will enable him to recover his principal with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor. Power to continue the mortgagee in possession.

(3) When the amount payable to a mortgagee in possession has been determined in any such suit as aforesaid, the Court may, in its discretion, instead of making an order for payment thereof, direct that the mortgagee be continued in possession for such period (to be specified by the Court) as will in the opinion of the Court be sufficient to enable him to recover from the profit the amount payable by the mortgagor together with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

the Court may on the application of either party

Amendment of section 12.

2. [3. (1)] The following shall be substituted for the first paragraph of section 12 of the said Regulation :—

"[The Court may, in its discretion, in passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist] direct that any amount payable under that decree shall be paid by instalments."

[(2) In the second paragraph of the said section a full stop shall be inserted after the word "rate" and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.]

Power to fix instalments in execution.

12. "*The Court may, in its discretion, in passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist direct that any amount payable under that decree shall be paid by instalments.*"

[The Court may at any time direct that the amount of any decree passed, whether before or after this Regulation comes into force, against an agriculturist, shall be paid by instalments with or without interest.]

Where such an order is passed, the Court shall fix such instalments as it may consider equitable, and shall allow future interest at a moderate rate. [unless, for reasons to be recorded in writing it deems it unnecessary to do so.] Instalments shall not extend over a period exceeding eight years unless the Court thinks necessary for reasons to be recorded in writing.

shall be annual, and in fixing the number of such instalments among other matters,

Additions of new sections 12A & 12B.

3. [4.] The following shall be added after section 12 as sections 12A and 12B :—

12A. [In fixing the number of instalments to be allowed under sections 11 and 12, the Court] shall take into consideration the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

when two or more instalments are in arrears,

12B. Whenever the Court orders payment by instalments, it may direct that [in the event, of default in the payment of any two consecutive instalments] the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of section 14.

4. [5.] (i) In section 14 of the said Regulation, for the words "No immovable property" at the beginning of the sentence, the words "Except as otherwise provided in sub-sections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as sub-sections (2), (3) and (4), the existing paragraph being numbered as sub-section (1) :—

"(2) The Court may at the time of passing a decree for money directing payment ~~of~~ instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment [and sale] of any agricultural land belonging to the judgment-debtor, [or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation 1918:

N.B.—~~The section of the Regulation as amended in the manner proposed in the Bill is given immediately below each clause of the Bill.~~ The portions added are indicated in italics and the portions deleted are enclosed in square brackets.

A Bill to Amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 193 . Short Title.

[2. In the second sentence of paragraph 2 of Section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.] [Amendment of section 11.]

11. (1) The Court may, in its discretion, in passing a decree for redemption, foreclosure or sale in any suit under this Regulation or in the course of any proceedings under a decree for redemption, foreclosure or sale passed in any such suit, whether before or after this Regulation comes into force, direct that any amount payable by the mortgagor under that decree shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and where the mortgagee is in possession as to the appropriation of the profits and accounting therefor, as it thinks fit. Power to order payment by instalments in case of decree for redemption, foreclosure or sale.

Where the Court decides that an amount due by a mortgagor should be paid in instalments, it shall fix such instalments as may seem equitable. It shall further allow future interest at a moderate rate.[unless, for reasons to be recorded in writing, it deems it unnecessary to do so.] Instalments shall not extend over a period exceeding eight years unless the Court thinks necessary for reason to be stated in writing.

(2) In passing a decree for redemption or foreclosure in any such suit as aforesaid, the Court may direct that the amount payable by the mortgagor shall be discharged by continuing the mortgagee in possession for such further period as will enable him to recover his principal with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor. Power to continue the mortgagee in possession.

(3) When the amount payable to a mortgagee in possession has been determined in any such suit as aforesaid, the Court may, in its discretion, instead of making an order for payment thereof, direct that the mortgagee be continued in possession for such period (to be specified by the Court) as will in the opinion of the Court be sufficient to enable him to recover from the profit the amount payable by the mortgagor together with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

ordered under subsection(2) shall be, as far as may be, in accordance with the procedure relating to attachment before judgment under Order XXXVIII of the Civil Procedure Code, 1908

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[Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.]

(3) The provisions relating to attachment before judgment, contained in rules 5 to 12 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).

[(4) An attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied."]

(4) No agricultural land ordered to be attached under sub-section (2) shall be sold in pursuance of such attachment unless the judgment-debtor is in arrears in respect of two or more instalments under the decree."

14. (1) *Except as otherwise provided in sub-sections* (2), (3) *and* (4) *no agricultural land* [No immovable property] belonging to an agriculturist shall be attached or sold in execution of any decree or order passed after this Regulation comes into force, unless it has been specifically mortgaged for the payment of the debt to which such decree or order relates, and the security still subsists. For the purposes of any such attachment or sale as aforesaid standing crops shall be deemed to be movable property.

Immovable property exempted from attachment and sale unless specifically mortgaged.

"(2) *The Court may at the time of passing a decree for money directing payment of instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment and sale of any agricultural land belonging to the judgment-debtor or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation, 1918:*

Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.

(3) The provisions relating to attachment before judgment, contained in rules 5 to 12 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).

(4) An attachment ordered under sub-section (2) at the time of the passing a decree shall subsist until the decree has been paid off or otherwise satisfied."

[6. In paragraph 2 of section 20, after the words "operation of law," the words "or by an order of the Court under section 14" shall be inserted.]

[Amendment of section 20.]

20. No mortgage, lien or charge of or upon any immovable property belonging to an agriculturist shall be valid unless it is created by an instrument in writing under the hand of the person creating such mortgage, lien or charge.

Mortgages, etc., to be valid only when written.

Nothing in this section shall apply to any mortgage, lien or charge, created by mere operation of law *or by an order of the Court under section 14* or in favour of the Government or of any officer of the Government in his official capacity.

of section 25.

25 A. The Government may, by notification in the Official Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

NOTIFICATION.

No. 3613—L. C., Bangalore, dated 28th May 1935.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary, Mysore Legislative Council.

Bill to Amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows :— Preamble.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment), Regulation, 193 . Short Title.

2. In the second sentence of paragraph 2 of section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted. Amendment of section 11.

3. (1) The following shall be substituted for the first paragraph of section 12 of the said Regulation :—

"The Court may, in its discretion, in passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist direct that any amount payable under that decree shall be paid by instalments." Amendment of section 12.

(2) In the second paragraph of the said section a full stop shall be inserted after the word "rate" and the words "unless for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

Additions of new sections 12A & 12B.

The following shall be added after section 12 as sections 12A and 12B :—

12A. In fixing the number of instalments to be allowed under sections 11 and 12, the courts shall take into consideration the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

12B. Whenever the Court orders payment by instalments it may direct that, in the event of default in the payment of any two consecutive instalments, the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of section 14.

5. (i) In section 14 of the said Regulation for the words "no immovable property" at the beginning of the sentence the words "Except as otherwise provided in sub-sections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as sub-sections (2), (3) & (4), the existing paragraph being numbered as sub-section (1) :—

"(2) The court may at the time of passing a decree for money directing payment by instalments or at any time during the course of execution of such decree direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required, order the attachment and sale of any agricultural land belonging to the judgment debtor or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation, 1918 :

Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment-debtor is in default in the payment of two or more consecutive instalments as directed in the decree.

(3) The provisions relating to attachment before judgment, contained in rules 12 and 13 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).

(4) An attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied."

Amendment of section 20.

6. In paragraph 2 of section 20, after the words "operation of law", the words "or by an order of the Court under section 14" shall be inserted.

7. The following shall be added as section 25 A :— Amendment of section 25.

25 A. The Government may, by notification in the official Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1918, is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

Statement of Objects and Reasons.

In September 1934, a Committee was appointed by the Government under the Chairmanship of *Rajasabhabhushana* K. R. Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a report to Government. The Committee examined the question and submitted to Government in February 1935, an exhaustive report together with the draft of a Bill, embodying their recommendations

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P. 6406-16—Legis. 20-34-7, dated 23rd May 1935 and this Bill is intended to secure the amendment of the Regulation on those lines.

The general principles of the proposed amendments to the Bill are as follows :—

Under the Regulation, the Court is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision empowering a Court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the Civil Procedure Code in case of suits under this Regulation also. It is proposed to amend section 12 so as to include specifically such a power.

2. The existing discretionary power of Courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases the rate of interest being, however, left to be determined by the Courts.

3. The Bill provides for the addition of a new provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the Courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment debtor.

4. The Courts will be empowered to direct that in the event of failure to pay two consecutive instalment the whole debt should become due and be recoverable.

5. Exemption from attachment and sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immoveables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

6. Power will be vested in the Government to exempt particular co-operative societies or classes of co-operative societies at their discretion from the operation of the provisions of the Regulation.

A Bill to amend the Mysore Agriculturists' Relief Regulation, XVIII of 1928

Preamble.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:-

Short title.

1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 193

Amendment of section 11.

2. In the second sentence of paragraph 2 of section 11 (1) (of the Mysore Agriculturists' Relief Regulation 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

Amendment of section 12.

3.(1) The following shall be substituted for ~~paragraph~~ the first paragraph of section 12 of the said Regulation:-

"The Court may, in its discretion, in passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist direct that any amount payable under that decree shall be paid by instalments".

(2) In the second paragraph of the said section a full stop shall be inserted after the word "rate" and the words "unless for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

Addition of new sections 12A & 12B.

4. The following shall be added after section 12 as sections 12A and 12B:-

12A. In fixing the number of instalments to be allowed under sections 11 and 12 ~~of the Regulation~~, the Courts shall take into consideration the period during which the loan was outstanding and the repaying capacity of the judgment debtor.

12B. Whenever the Court orders payment by instalments it ~~shall~~ may direct that in the event of default in the payment of any two consecutive instalments the decreeholder may immediately enforce payment of the whole amount then remaining due under the decree.

Amendment of section 14.

5. (i) In section 14 of the said Regulation for the words "No immovable property" at the beginning of the sentence the words "Except as otherwise provided in ~~clause 5~~ subsections (2), (3) and (4) no agricultural land" shall be substituted.

(ii) The following shall be added as ~~paragraphs~~ subsections (2), (3) & (4), the existing paragraph being renumbered as subsection (1):-

(2) The court may at the time of passing a decree for money directing payment of instalments or at any time during the course of execution of such decree direct the judgment debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required order the attachment and sale of any agricultural land belonging to the judgment debtor or declare a charge against such land within the

meaning of section 100 of the Transfer of Property Regulation, 1918:

Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment debtor is in default in the payment of two or more consecutive instalments as directed ~~under this sub-section~~ in the decree.

(3) The provisions relating to attachment before judgment, contained in rules 12 and 13 of Order XXXVIII of the Civil Procedure Code as in force in Mysore, shall be applicable to attachments ordered under sub-section (2).

(4) An attachment ordered under sub-section (2) at the time of passing a decree shall subsist until the decree has been paid off or otherwise satisfied".

6. In paragraph 2 of section 20, after the words "operation of law", the words "or by an order of the Court under section 14" shall be inserted.

7. The following shall be added as section 25 A :-

25A. The Government may, by notification in the Official Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Mysore Co-operative Societies Regulation, 1959, is a party, and may by a similar

similar notification withdraw the exemption in respect of any such society or class of societies.

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26/4/85

A Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

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Statement of General Principles.

In September 1934 a Committee was appointed by the Government under the Chairmanship of Rajasabhabhushana K.R.Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a report to Government. The Committee examined the question and submitted to Government in February 1935, an exhaustive report together with the draft of a Bill embodying their recommendations.

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P6406-16/Legis 20-34-7, dated 2/3/35 and this Bill is intended to secure the amendment of the Regulation on those lines.

These amendments are intended to remove some of the serious hardships to which the creditors are subject under the Regulation and which make them chary of lending money to agriculturists and which has been the main cause of the lowering of the credit of the agriculturists.

The general principles of the proposed amendments to the Bill are as follows:-

Under the Regulation, the court

is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision empowering a court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the C.P.C., in case of suits under this Regulation also. It is proposed to amend section 12 so as to include specifically such a power.

2) The existing discretionary power of courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases, the rate of interest being however left to be determined by the courts.

3) The Bill provides for the addition of a new provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment debtor.

4) The courts will be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable.

5) Exemption from attachment and

sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immoveables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or ~~decree~~ declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

5) Power will be vested in the Government to exempt particular co-operative societies or classes of co-operative societies at their discretion from the operation of the provisions of the Regulation.

G 30/4/1935

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A Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

Statement of general principles.

Object & Reasons.

In September 1934 a Committee was appointed by the Government under the Chairmanship of Rajasabhabhushana K.R. Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a repor to Government. The Committee examined the question and submit ted to Government in February 1935, an exhaustive report together with the draft of a Bill embodying their recommendations

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P6406-16/Legis20-34-7 dated 23rd May 35 and this Bill is intended to secure the amendment of the Regulation on those lines.

The general principles of the proposed amendments to the Bill are as follows:-

Under the Regulation, the Court is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision empowering a Court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the Civil Procedure Code in case of suits under this Regulation also. It is proposed to amend section 12 so as to include specifically such a power.

(2) The existing discretionary power of Courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases the rate of interest being however left to be determined by the Courts.

(3) The Bill provides for the addition of a new provision

provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the Courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment-debtor.

(4) The Courts will be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable.

(5) Exemption from attachment and sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immovables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

(6) Power will be vested in the Government to exempt particular Co-operative Societies or classes of Co-operative Societies at their discretion from the operation of the provisions of the Regulation.

B I L L.

A BILL TO AMEND THE MYSORE AGRICULTURISTS' RELIEF REGULATION, XVIII OF 1928.

PREAMBLE. Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:-

SHORT TITLE, 1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 193.

AMENDMENT OF SECTION 11. 2. In the second sentence of paragraph 2 of section 11(1) (of the Mysore Agriculturists' Relief Regulation 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

3.(1) The following shall be substituted for the first paragraph of section 12 of the said Regulation:-

AMENDMENT OF SECTION 12. "The Court may, in its discretion, in passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed whether before or after this Regulation comes into force against an agriculturist direct that any amount payable under that decree shall be paid by instalments'

(2) In the second paragraph of the said section a full stop shall be inserted after the word "rate" and the words "unless for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

ADDITIONS OF NEW SECTIONS 12A & 12B. 4. The following shall be added after section 12 as sections 12A and 12B:-

12A. In fixing the number of instalments to be allowed under sections 11 and 12, the courts shall take into

AMENDMENT OF SECTION 14.

5. (i) In section 14 of the said Regulation for the words "no immovable property" at the beginnin of the sentence the words "Except as otherwise provided in sections (2),(3) and (4) no agricultural land" shall be substituted

(ii) The following shall be added as subsections (2),(3) & (4), the existing paragraph being numbered as sub-section (1):-

(2) The court may at the time of passing a decree for money directing payment of instalments or at any time during the cours of execution of such decree direct the judgment debtor for sufficient cause to furnish security for the amount of the decree and if he fails to furnish the security required order the attachment and sale of any agricultural land belonging to the judgment debtor or declare a charge against such land within the meaning of section 100 of the Transfer of Property Regulation,

Provided that no sale in pursuance of the attachment ordered or charge declared under this sub-section of the agricultural land so attached or charged upon shall be ordered unless the judgment debtor is in default in the payment of two or more consecutive instalments as directed in the decree.

THE MYSORE LEGISLATIVE COUNCIL,
December Session.
1935.

BILL TO AMEND THE AGRICULTURISTS RELIEF REGULATION

Amendments to the Report of the Select Committee on the Bill.

1. Clause 3.-

S.12 A. After the words "shall be annual" add the words "and equal".

2. Add a proviso to 12 A. as follows:--

Provided that the time for the first instalment shall not be prior to the next harvest season after decree.

Movers.-Messrs. B.S. Puttaswamy and H.C.Dasappa.

3. After clause 4 (2) (Amendment of section 14), a provis may be added as follows:--

"Provided that nothing herein contained shall prevent the Courts from ordering attachmen before judgment under Order 38, Rule 5 of the C Civil Procedure Code."

Mover.-Mr. G. Channappa.

4. In clause 4 (3), delete the words "as far as may be" after "The procedure in respect of attachments ordered under sub section (2) shall be,"

Mover.-Mr. T. Madiah Gowda.

5. After clause 4 (4), a provision may be added as follow

"Provided that the court may after enquiry, at any time order the sale of the attached agricultural land, if the judgment debtor voluntaril brings property for sale for arrear of land revenue or for the debts of other creditors with a view to defeat the claims of the attached creditors."

Clause 5.

Delete Section 25 A.

Movers.-Messrs. B.S.Puttaswamy & H.C.Dasappa.

7. Delete clause 5.

8. Add in clause 5 to Section 25 A after "from time to time","after obtaining the consent of the Legislative Council by passing a resolution,"

9. Substitute the words "any proceedings" for "any matter to or" for Section 25 A in clause 5, after the words "shall not apply to".

Mover.- Mr. T. Madiah Gowda.

THE MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION—JUNE 1935.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. Statement of General Principles of the Bill further to amend the Negotiable Instruments Regulation, 1917.

The object of the Bill is to amend the Negotiable Instruments Regulation, 1917, so as to provide that cheques originally drawn to bearer shall not lose their bearer character, notwithstanding any endorsement thereon whether in full or in blank and whether such endorsement purports to restrict or exclude further negotiation or not. The necessity for the amendment has risen out of the view taken that under Section 50 of the Negotiable Instruments Regulation, 1917, and the illustration thereto, a bearer bill can legally be changed to an order bill by endorsement. This makes it incumbent on banks to examine all endorsements upon bearer cheques, and this considerably increases their work and responsibility without any compensatory advantage to their constituents or to the general public.

The law in British India has been similarly modified by Act XVII of 1934. It is necessary to amend the Mysore Regulation also since it is very desirable that the law in respect of Negotiable Instruments should be uniform in India.

The Bill is intended to secure the above object.

II. Statement of General Principles of the Bill further to amend the Mysore Limitation Regulation, 1911.

Under Articles 176 and 177 of the First Schedule to the Mysore Limitation Regulation, the time allowed for bringing on record the legal representative of a deceased party in suits and appeals filed under the Code of Civil Procedure is six months from the date of the death of such party. This provision leads to unnecessary delay in the disposal of civil cases. In British India, the period was reduced to 90 days by Act XXVI of 1920, and there is no reason to think that the reduction in the period of limitation has worked to the detriment of the parties. If a similar amendment is made here, one cause of delay in the disposal of cases will be removed. In exceptional cases, a remedy is provided by Order XXII, Rule 9 of the Civil Procedure Code. The High Court have recommended the reduction of the period to 90 days as proposed.

It is accordingly proposed to amend Articles 176 and 177 of the First Schedule to Mysore Limitation Regulation, 1911.

III. Statement of General Principles of the Bill further to amend the Code of Criminal Procedure, 1904.

Under Section 367 of the Code of Criminal Procedure, every judgment has to be written by the presiding officer of the court.

The High Court have recommended that the Code of Criminal Procedure, be amended so as to allow dictation of judgments by Judges not lower in rank than Assistant Sessions Judges and also by Magistrates specially empowered. This will assist the Judges and Magistrates concerned in their work, and enable them to dispose of cases more promptly.

In British India, Section 367 of the Code of Criminal Procedure, was amended in 1923, giving power to all presiding officers to dictate judgments. Power has been taken under the Mysore Civil Procedure Code to empower the presiding officers of Civil Courts to pronounce judgments by dictation. The system has proved to be a convenient arrangement, and is working satisfactorily.

It is proposed to amend Section 367 of our Code, restricting the power only to officers specially empowered in that behalf.

IV. Statement of General Principles of the Bill to further amend the Mysore Forest Regulation, 1900.

While under Section 75 of the Mysore Forest Regulation the sale or attempt to sell sandalwood is prohibited, no penalty is prescribed for breach of the provisions of this Section. Further the Regulation does not define the scope of the term "sandalwood".

2. Instances have come to the notice of Government in which no action could be taken against private persons possessing sandalwood saw-dust for purposes of sale as no penalty is prescribed under Section 75 of the Regulation and sandalwood "saw-dust" is not included in the term "sandalwood". It is therefore considered expedient to amend the said section by providing a penalty for contravention of the provisions of the said section and define the term sandalwood so as to include roots, billets, pieces, sawn or otherwise, chips and saw-dust (whether containing heartwood or not) of sandalwood, but not sandalwood carved or otherwise manufactured.

The Bill is intended to amend the Regulation accordingly.

V. Statement of General Principles of the Bill to amend the Cinematograph Regulation, 1923.

Under the provisions of the Cinematograph Regulation, 1923, all films intended for public exhibition in Mysore are subject to censorship. The censorship is, however, confined to the film itself and does not extend to the manner of advertising the film which is often more objectionable than the film advertised. This exhibition of indecent or otherwise objectionable film posters in public places has come to the notice of the Government and the desirability of taking action to bring these posters under control has been urged upon the attention of Government by Associations for social welfare and the suggestion has been made that the Regulation should be amended so as to provide for the censorship of all pictorial representations intended for use as advertising matter in connection with cinematograph films. The Bill is intended to provide for such censorship.

VI. Statement of General Principles of the Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

In September 1934, a Committee was appointed by the Government under the Chairmanship of *Rajasabhabhushana* K. R. Srinivasa Iyengar, M.A., to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to submit a report to Government. The Committee examined the question and submitted to Government in February 1935, an exhaustive report together with the draft of a Bill embodying their recommendations.

Government have approved of the recommendations of the Committee with slight modifications as ordered in Government Order No. P. 6404-16—Legis. 12-34-1, dated 23rd May 1935 and this Bill is intended to secure the amendment of the Regulation on those lines.

The general principles of the proposed amendments to the Bill are as follows:—

Under the Regulation, the court is empowered to grant instalments at the time a mortgage decree is passed or in execution proceedings under such decree and also in execution proceedings under a money decree. There is no specific provision

empowering a court to direct payment by instalments when passing a money decree, though it may be said that it may exercise such power vested in it under the Civil Procedure Code, in case of suits under this Regulation also. It is proposed to amend Section 12 so as to include specifically such a power.

2. The existing discretionary power of courts to order interest or not under Sections 11 and 12 of the Regulation, is proposed to be modified so as to make it obligatory to grant some future interest in all cases, the rate of interest being however, left to be determined by the courts.

3. The Bill provides for the addition of a new provision laying down that in fixing instalments under Sections 11 and 12 of the Regulation the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment-debtor.

4. The courts will be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable

5. Exemption from attachment and sale in execution of a money decree under Section 14 is proposed to be limited to the agricultural land only of the debtor, and the other immoveables would not be so exempt. Provision is made to direct attachment and sale of the agricultural land also or declare a charge thereon in cases where payment by instalment is ordered and the debtor is unable to furnish security. The sale in pursuance of an attachment or charge will be ordered only when default is made in the payment of two consecutive instalments.

6. Power will be vested in the Government to exempt particular co-operative societies or classes of co-operative societies at their discretion from the operation of the provisions of the Regulation.

PRIVATE BILL.

General Principles of the Mysore Debtors' Bil

A man who fails to pay a debt due under a decree is liable to be arrested and cast into prison.

It is increasingly felt to be a barbarity and the belief that it is a successful means of drawing out secreted property and preventing fraud is neither well founded nor morally justifiable. Corporal punishment for civil liability is neither desirable nor necessary in the interests of society.

Formerly, even women were thus liable. A law was passed preventing it, and the same is now embodied in Section 56 of the Civil Procedure Code.

Recently, agriculturists who come within the definition of the term in the Mysore Agriculturists' Relief Regulation have been exempted from the liability.

Arrest and imprisonment for non-payment of debt is thus recognised to be undesirable and opposed to our sence of justice and morality. It is the general feeling in many civilised countries. In England, they passed a law called the Debtors Act which has practically abolished arrest and imprisonment for non-payment of debt.

It is learnt that it has been abolished in France, Germany, Scotland, Turkey, South Africa and in many of the States of the U.S.A.

In agreement with this general feeling, the Bill seeks to abolish arrest and imprisonment in execution of a decree for money.

PRIVATE BILL.

1. The Mysore Debtors' (Regulation) Bill.

Whereas it is expedient to provide that no person shall be arrested or imprisoned in execution of a decree for money, it is hereby enacted as follows:—

1. (i) This Regulation shall be called "The Mysore Debtors' Regulation, 193 ."

(ii) It shall extend throughout the State of Mysore.

(iii) It shall come into force from the 1st day of January 193

2. Notwithstanding anything contained in any law for the time being, no person shall be arrested or imprisoned in execution of a decree for money passed whether before or after this Regulation comes into force.

Statement of Objects and Reasons.

The present law rendering a judgment-debtor liable to be cast into prison a barbarous. In all civilised countries, it has been either totally abolished is negatived by restrictions. In India the movement for its abolition started as for back as 1881. As a first step, the law exempted women from being arrested and imprisoned for a decree debt. Since then the question has been considered now and then with the result that the law has been liberalised and the severity relaxed. Poverty and ill-health can be pleaded against imprisonment. Insolvency protection can be had under certain conditions. Nevertheless, the principle of arresting a man for failure to pay a debt is still recognised by the statute. It is a vicious principle, a negation of the dignity of the human body, a denial of the rights of the family and society over the person of the judgment-debtor. The Curgenven Report of 1914 and the Whitley Commission Report of 1931 alike recommended the abolition of imprisonment for debt. In England the Debtors Acts of 1869 and 1878 abolished it except in a few cases which have also become obsolete. It is learnt that imprisonment for debt is abolished in France, Germany, Scotland, many of the States of the U. S. A., Turkey and South Africa. In Mysore, it has been abolished in the case of all women by Section 56 of the Civil Procedure Code and in the case of all such men as are agriculturists, by Section 13 of the Agriculturists' Relief Regulation. It is generally agreed that arrest and imprisonment for debt is undesirable and deserving of abolition. The bill is intended to give effect to it.

BANGALORE,
Dated 1st June 1935.

C. SUBRAHMANYA AIYAR,
Secretary, Representative Assembly.

4714-34
P
Legis 20-34-6

New Public Offices,

No.

Bangalore, dated 18th February 1935.

From

Rajasabhabhushana
K.R. Srinivasiengar, Esq., M.A.,
Retired Member of Council,
& Chairman, Agriculturists'
Relief Regulation Amendment
Committee.

GENERAL DEPT.
19 FEB. 1935

To

S. Abdul Wajid, Esq., B.A.,
Secretary to the Government of Mysore,
General Department,
Bangalore.

Sir,

With reference to Government Order No.P.1300-11/Legis. 20-34-2, dated 8th September 1934 appointing a Committee to examine how far the extension of the Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturis and to indicate in what respects, if any, the Regulation requires to be amended, I have the honour to forward herewith in duplicate the report of the Committee.

A list of persons who have sent their opinions in response to the questionnaire issued by the Committee, the opinions in original received from them, a list of amendments to the Regulation suggested by them, and a copy of the proceedings of the meeting of the Committee are enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

CHAIRMAN,
AGRICULTURISTS' RELIEF REGULATION AMENDMENT COMMITTEE.

Report of the Committee appointed by Government in their order No.P. 1300-11-Legis.20-34-2, dated the 8th September 1934 to report in - what respects, if any, the Mysore Agriculturists' Relief Regulation requires to be amended.

We may be permitted to preface our report with a brief account of the circumstances which gave rise to the appointment of this Committee. In their order No.L. 1891-902/Sany.50-24-13, dated the 8th September 1925, Government appointed a Committee with Mr. K. Chandy, member of Council, as Chairman, to consider the report made by the Special Economic Survey Officer for the Malnad appointed by Government in 1925. The Committee having, among other proposals, recommended legislation being undertaken by Government on the lines of the Deccan Agriculturists' Relief Act for the relief of indebted agriculturists in the State, a note on the subject was placed before the Representative Assembly at the Budget Session of 1926: and a Bill introduced before the Legislative Council in December 1926. After going through various stages the Bill was finally passed into law in July 1928.

2. Though the enactment had its origin on the recommendation of the Committee appointed to consider the question of improvement of the Malnad, its provisions were made applicable to any part of the State to which it might be extended by a notification issued by Government under Section I of the Regulation. The operation of the Regulation was, in the beginning, restricted to the three Malnad Taluks of Manjarabad, Sagar and Koppa. But subsequently, on the recommendations made by the Malnad Economic Depression Enquiry Committee appointed by

Government.

Government in April 1931 for the extension of the Regulation to all Malnad Taluks in the State and on the representations made to Government in the Representative Assembly for its extension to all parts of the State including the Maidan, Government in their notification dated the 30th December 1933 directed the extension of the Regulation to all parts of the State with effect from 1st January 1934. Representations having been thereupon made and a resolution moved at the Budget session of the Representative Assembly in June 1934 protesting against the Government Order directing the extension of the Regulation on the grounds that it had adversely affected the honest moneylender and had also resulted in considerable shrinkage of agricultural credit, and the question having formed the subject of discussion at the following session of the Legislative Council, the Government promised to appoint a Committee to go into the question. Accordingly, this Committee was appointed by Government in their order No. P.1300-11-Legis.20-34-2, dated the 8th September 1934 with the undermentioned personnel to examine how far the extension of the Regulation to the whole State has affected the credit of the agriculturists and report in what respect, if any, the Regulation requires to be amended and to submit also a draft Bill embodying the recommendations of the Committee for any legislation that may be required.

1. Rajasabhabhushana K.R. Srinivasiengar, M.A., Retired Member of Council, Chairman of the Committee.
2. Mr. N. Madhava Rau, B.A.,B.L., Revenue Commissioner in Mysore.
3. " S. Abdul Wajid, B.A., General Secretary to Government.
4. " A.R. Nageswara Iyer, B.A.,B.L., Government Advocate.
5. " S. Venkatakrishnaiya, B.A.,B.L., Retired District Judge and President, Mysore Provincial Co-operative Apex Bank.

6. Mr. M. Ramachandra Rao Sindia, Member of the Legislative Council.
7. " K. Chengalraya Reddy, B.A., B.L., -do-
8. " K. Srikantaiya -do-
9. " S.C. Mallaiah -do-
10. Khan Bahadur Mohamed Abbas Khan -do-
11. Mr. Hosakoppa Krishna Rao, Member of the Representative Assembly.

Mr. S.K. Venkataramana Aiyar, B.A.,B.L., Acting Assistant Commissioner, was appointed as Secretary to the Committee.

3. The Committee held six meetings on the undermentioned dates.-

11th October 1934
11th November "
1st December "
14th " "
18th " "
28th " "

A copy of the detailed proceedings of each of these meetings is attached to this Report for the perusal of Government.

4. On receipt of the Government Order constituting the Committee, a notice was published in the Mysore Gazette of the 21st September 1934 and also the leading newspapers in the State inviting the opinion of the Public on the terms of reference to the Committee and in particular in regard to the following aspects of the question.-

1. The disabilities and difficulties to which the creditors have been subjected in the matter of the recovery of their dues from the agriculturist debtors, by reason of the operation of the Regulation.

2. The extent to which the operation of the Regulation has affected the credit facilities of the agriculturists.

3. The lines, if any, on which the provisions...

provisions of the Regulation may be amended so as not to affect the creditor prejudicially, while securing the object with which the Regulation has been enacted.

Copies of the notification were sent to the Deputy Commissioners for distribution among important persons in their districts. A few gentlemen were also directly addressed and requested to favour the Committee with their views in the matter. In response to the invitation 78 persons (including representatives of Banks and Associations) as per list attached, have favoured us with their opinions. Besides, two deputations - one consisting of landholders in the Malnad and the other consisting of representatives of the Grain Merchants' Association, Bangalore - met the Committee by appointment and made oral representations of their case. Our acknowledgments are due to all these persons for placing before us all aspects of the question under consideration.

5. The opinions furnished and the representations made to us cover almost the entire field of the Agriculturists' Relief Regulation: and the amendments suggested relate to almost every Section of the Regulation, as detailed in the appended statement. As most of these amendments aimed either at enlarging or at restricting the scope of the Regulation and did not, therefore, fall within the terms of reference, we did not consider it necessary to examine all of them and have confined ourselves to only such of the amendments as are covered by, and have a material bearing on, the terms of reference.

6. The strongest argument adduced before us against the

extension...

extension of the Regulation is that the drastic provisions of Section 14 of the Regulation prohibiting the creditor from proceeding against the immovable property of the agriculturists other than those mortgaged for the debt has placed the unsecured creditor entirely at the mercy of the debtor. His only means of recovering his money is by the attachment and sale of the moveable properties of the debtor. It is a matter of common knowledge that the class of agriculturists who come under the purview of the Regulation possesses little or no moveable properties worth anything. The Civil Procedure Code has in Sections 60 and 61 exempted certain kinds of moveable properties of the agriculturist debtor from attachment and sale, and such of the other moveables as the small agriculturist debtor possesses are generally insignificant and could be easily transferred or kept out of the reach of the creditor. Even in respect of the attachment and sale of the crop grown on the debtor's land, Order 38, Rule 12 ~~Criminal~~ Civil Procedure Code, prevents attachment before judgment, of agricultural produce and the debtor can easily frustrate the attachment either by alienating the properties themselves or by entering into long leases of the properties so that the crops may not be available to the creditors. It is urged and with great force that there is no reason why an unsecured creditor should be prohibited from bringing to sale in execution of his decree the immovable properties of the debtor, while the latter is left free to alienate them to third persons in derogation of the equities in favour of the creditor. It is stated that in the circumstances mentioned above, settlements of debts out of Court have become uncommon and that

even...

even the honest agriculturist debtors have been tempted to defy the creditors and to drive them to Court with the result that the recovery of the debts is either indefinitely postponed or defeated altogether. The long period which may be allowed by the Court for the payment of the decree amount by instalments and the absence of adequate provision to enforce the payment of the instalments as they fall due has also been represented as hindering the due recovery of the debts even when they are secured and to operate as a hardship, particularly in the case of moneylenders who have invested all their money in granting loans or who may have been carrying on this profession from monies borrowed from others.

7. In view of the disadvantages referred to above, the creditors are said to be more anxious to recover their old dues than to lend afresh. Even small loans for the direst necessities of the agriculturists are reported to have become difficult to obtain. Securities are invariably demanded for all borrowings and loans can be had only on the pledge of either moveable property or on the mortgage of immovable property. Documents for much larger amounts than those actually advanced are said to be prevalent. Even in the case of transactions intended to operate as mortgages, some creditors are stated to be insisting on the outright sale of the property in order to avoid the possibility of having to accept payment in instalments which the Court can grant in decrees for mortgage debts. One of the witnesses has stated that with a view to avoid the transactions being re-opened in Courts, suits for amounts to be advanced are being filed and decrees by consent obtained before the loan is actually granted.

There...

There is a general concensus of opinion, though a few persons have expressed themselves otherwise, that as the result of the drastic provisions of the Regulation referred to above, the credit of the agriculturists is greatly curtailed, with the result that they are finding it increasingly difficult to obtain even small loans required to meet their urgent and unavoidable demands. This opinion was fully supported by the deputation of the Malnad agriculturists who gave oral evidence before us and they had no objection whatever to concede to the unsecured creditor also the right to proceed against the immovable properties of the debtor, as they consider that this will not materially prejudice the honest debtor who has no desire to deprive his creditor of his dues under the cover of the Regulation.

8. The Deccan Agriculturists' Relief Act on which our Regulation was mainly based was passed soon after a serious agrarian trouble, when the consequences of the drastic provisions referred to above in respect of unsecured debts could not have been foreseen. But even under this Act, power is given under Section 22 for the Court to direct the collector to take possession of the immovable properties of the judgment debtor for the benefit of the decree holder under certain conditions. The necessity for giving adequate protection to the unsecured creditor has now come to be generally recognised and the United Provinces' Bill which has been passed by the Legislative Council of the province and is said to be awaiting the sanction of the Governor makes suitable provision in this respect.

9. With the above observations, we shall now proceed

to deal with the several amendments to our Regulation that have been suggested to, and that are proposed by, us.

Section 2 of the Regulation:

Almost every person consulted has taken exception to the definition of the term 'agriculturist' as contained in Section 2 of the Regulation, some - representing agriculturists - being for widening the scope of the definition, while others - representing creditors - are for restricting it. It is also brought to our notice that it is not clear whether the term "income" used in the definition represents gross or net income. We are advised that "income" without any qualifying expression means gross and not net income. The determination of the income - whether gross or net - is said to necessitate the taking of evidence entailing considerable delay in the determination of the preliminary issue regarding the status of the debtor. A definition ~~of the preliminary issue~~ based on the acreage or assessment of the debtor's property has been suggested to us as simpler and more easily workable. But this has equally its disadvantages and defects. Having considered all aspects of the question, we think that the present definition is least objectionable and that it does not require any alteration.

10. Sections 11 and 12 of the Regulation empower the Courts to order the payment of the decree amount by instalments extending over a period not exceeding 8 years unless in the opinion of the Court a longer period is necessary. The provision regarding the grant of instalments is not new; and even before the enactment of this Regulation, the Courts had the power to order payment by

instalments in the case of money decrees under Order XX ~~Criminal~~ Civil Procedure Code. This provision has been criticised from opposite sides. Some persons have suggested that the maximum period should in no case be as long as eight years and that in any case the Courts should have no power to enlarge this period under any circumstances. On the other hand, it has also been represented that the Courts have not been sufficiently liberal in fixing the period for payment, and that the period should be raised to sixteen years. In our view the existing provision in this behalf is generally suitable; but we think it is desirable that the considerations to ~~the~~ be borne in view in fixing the number of instalments should be definitely laid down so as to afford less scope for a variety of practice in the several Courts. We would, accordingly, suggest that a new Section may be added as Section 12 A laying down that in fixing the instalments under Sections 11 and 12, the Courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment debtor.

11. Sections 11 and 12 as at present enacted empower the Courts to deny future interest when ordering payment by instalments. We consider that while the Court may have power to fix the rate of future interest at such moderate rate as it may consider proper with due regard to all the circumstances, it should not be empowered to deny future interest altogether. We would, therefore, propose that both these Sections might be modified so as to admit of future interest being allowed at a moderate rate at the discretion of the Courts.

12. Our ...

12. Our attention has been drawn to the absence of any provision regarding the procedure to be adopted in case of default of payment of the instalments by the debtor. While the Regulation provides that the amount may be ordered to be paid in instalments, the Courts do not at present seem to have any power to direct that on default of payment of any one or more instalments, the whole of the remaining sum shall become due. The creditors are thus left without adequate remedy where the instalments remain unpaid, the attachment of moveables and crops being often impossible or unavailing. We propose, therefore, that a new Section, somewhat similar to that contained in the United Provinces Bill be added as 12 B empowering the Courts to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable by proceeding against the properties of the judgment debtor.

13. The most important section to which our attention has been specially drawn is 14. As observed in paragraph 6 above, with the immovable property kept free from attachment and sale and with no restrictions placed on the debtor against alienating them to the prejudice of the creditors' interest, it is rightly apprehended that the recovery of unsecured debts is practically rendered impossible. For reasons which have already been given, we consider that, while affording every possible protection to the honest agriculturist, provision should be made to prevent the unscrupulous debtor from alienating his immovable properties so as to defeat the creditors' interests. We suggest, therefore, that a clause be

added....

added to Section 14 so as to provide for security being demanded from the judgment debtor ~~xx xx xx provide~~ for the regular payment of ~~his~~ the instalments fixed by the Court and in case of his failure to furnish it, ~~for order~~ ordering the attachment and sale of his immovable properties or ~~to declare~~ a charge thereon till the decree amount is fully paid up. It may be observed that with the amendments that we have suggested, the debtor will ordinarily enjoy all the protection that he now has under the Regulation, and it is only when a case is made out by the creditor for the attachment of his properties or for a charge being created on it that this will be ordered by the Court and that even then the debtor will be given an opportunity to furnish security before any such order is passed.

This seems to be all right - ordering attachment / sale would frustrate the object of the Regn

We also propose that for the words "immovable property" in line 1 of Section 14, the words "agricultural lands" may be substituted as there is no reason why non-agricultural properties such as houses other than the debtor's dwelling house which is exempt under the ~~Criminal~~ Civil Procedure Code, should be exempted from attachment and sale.

14. In view of the proposed removal of the exemption of immovable properties from attachment even in respect of unsecured debts, we consider that provision may be made also for the attachment of the properties before judgment and accordingly propose for the purpose a new clause to be added to Section 14 as clause (3).

15. As a consequence of the amendment proposed by us...

us above, we suggest that the words "or, by an order of Court" be inserted between "operation of law"and "or in favour of Government" in paragraph 2 of Section 20.

16. Under Section 74 A of the Deccan Agriculturists' Relief Act, the provisions of the Act are declared to be not applicable to any matter to which any Society registered under the Co-operative Credit Societies' Act is a party. The objects and reasons for providing this exemption are clearly explained in the proceedings of the Legislative Council of Bombay and we quote below the same.- (Vide pages 351-352 of Gupte's Dekkan Agriculturists' Relief Act).

"The Co-operative Credit Societies have been started and one of the principal objects aimed at is to free cultivators from their old debts with usurious interests. They are thus bodies working in the best interests of the cultivating classes themselves. In the main object, therefore, the institution of these societies aim at the same end as the Agriculturists' Relief Act and the two measures ought to work without friction. The Societies were started not as rival bodies competing with the ordinary money-lenders but in the hope that they might be induced to invest their capital or part of it with these societies.

"It must be clear to every reasonable person that transactions which are entered into by these registered societies with their members under bye-laws which have to be approved by a responsible government officer (the Registrar) need not be subjected to all the jealous scrutiny of the Dekkan Agriculturists' Relief Act. There

is...

There is always a guarantee that the interest charged by them on their transactions with their members will not be unreasonable or exorbitant. While therefore on the one hand agriculturists did not require to be protected from the registered societies, on the other hand the registered societies were fairly entitled to every assistance in the recovery of their just dues from fraudulent defaulters. It is intended by this Section to exempt all transactions between the Societies and their members from all the provision of the Act except the beneficient provisions of Section 21 which prevent agriculturists from being arrested and imprisoned in the execution of money decrees against them. The bye-laws framed show that there cannot be any scope for the suggestion of any grasping or inequitable features in the transactions and the removal of disabilities and restrictions at present imposed by the Act will, it is expected, only conduce to the healthy and vigorous development of rural societies. At the same time, it will serve to assist the process of building up a free and independent peasantry."

We entirely agree with the sentiments expressed in the above passage and consider that as the co-operative credit societies are intended to work in the interests of the agriculturists and their aim, unlike that of many of the money lenders, is not to deprive the agriculturists and of their holdings, it is desirable to provide for a similar exemption in respect of these societies from the operation of the Agriculturists' Relief Regulation.

Some of the Joint Stock Banks have also asked for a similar exemption but their cases are not on all

fours with that of the co-operative institutions in that they all work for the benefit of the shareholders and are not controlled by the Government or its officers in regard to the interest charged etc. We are, therefore, not in favour of recommending any exemption in favour of Joint Stock Banks.

Even in respect of Co-operative Societies, we consider it desirable that instead of exempting all of them generally from the operation of the Regulation, the Government should be empowered to exempt particular societies or classes of societies at their discretion so that this concession may be shown by them only to such of the societies as they consider to be deserving thereof by conforming to any conditions that may be imposed by them regarding the rate of interest charged by them to the agriculturists or other matters. We have accordingly suggested the insertion of a new Section as Section 25 A for this purpose.

17. As desired in our terms of reference, we have appended to this Report a draft Bill incorporating the amendments to the Regulation which we have recommended in the above paragraphs.

18. Before concluding, we desire to place on record the very valuable help rendered to us by the Secretary Mr. S.K. Venkataramana Aiyar. It was no easy task for him, saddled as he simultaneously was with the heavy work of another important Committee, to study all the literature bearing on the subject, including similar enactments in force or in contemplation in other parts

A Bill to amend the Mysore Agriculturists' Relief Regulation 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928, it is hereby enacted as follows.-

1. In the second sentence of paragraph 2 of Section 11 (1) (of the Mysore Agriculturists' Relief Regulation 1928) a full stop shall be inserted after the word "rate", and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

2.(i) In the first paragraph of Section 12 of the said Regulation, a full stop shall be inserted after the word "instalments" and the words " with or without interest" shall be omitted.

(ii) In the second paragraph of the same section a full stop shall be inserted after the word "rate" and the words "unless for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

3. The following shall be added as Sections 12A and 12B.

12A. In fixing the number of instalments to be allowed under sections 11 and 12 of the Regulation, the Courts shall take into consideration the period during which the loan was outstanding and the repaying capacity of the judgment debtor.

12B. Whenever the Court orders payment by instalments it shall direct that in the event of default in the payment of any two consecutive instalments the

decree...

of India, analyse the mass of conflicting opinions contained in the large number of notes sent to us and present them to us in a readily accessible form; and he has performed this task with commendable willingness and thoroughness.

Sd/- K.R. Srinivasa Iyengar.

" N. Madhava Rau.

" S. Abdul Wajid.

" A.R. Nageswara Iyer.

" S. Venkatakrishnaiya.

" M. Ramachandra Rao Sindia.

" K. Chengalraya Reddy.

" K. Srikantaiya.

" S.C. Malliah.

" Mohamed Abbas Khan.

" Hosakoppa Krishna Rao (subject to supplemental note attached).

decree holder may immediately enforce payment of the whole amount then remaining due under the decree.

4.(i) In section 14 of the said Regulation for the words "no immovable property" at the beginning of the sentence the words "Except as otherwise provided in clauses 2 & 3, no agricultural land" shall be substituted.

(ii) The following shall be added as paragraphs 2 & 3 of Section 14 of the Regulation, the existing paragraph being numbered as (1).

(2) The Court may, when passing a decree for money against an agriculturist after the Regulation comes into force or at any time during the course of execution of such decree, direct the judgment debtor for sufficient cause to furnish security for the amount of the decree, and if he fails to furnish the security required, order the attachment and sale of any agricultural land belonging to the judgment debtor or declare a charge against such land within the meaning of Section 100 of the Transfer of property Regulation.

(3) The provisions relating to attachment before judgment contained in Rules 5 to 12 of order 38 of the Civil Procedure Regulation, shall be applicable to suits under this Regulation.

5. In paragraph 2 of section 20, after the words "operation of law", the words "or by an order of the Court under Section 14", shall be inserted.

6. The following shall be added as Section 25 A.

25A. The Government may, by notification

in.....

in the Gazette, from time to time, direct that the provisions of this Regulation, except sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Co-operative Societies Regulation is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

Supplemental note by Mr.Hoskoppa Krishna Rao.

A very large concession has been made by the indebted agriculturists agreeing to allow the unsecured creditors the right to proceed against the immovable properties of the debtors. In return for the concession, the creditors should be expected to be sufficiently liberal-hearted to allow the minimum number of annual instalments to be raised to at least 16, as that would minimise the chances of default by the debtors. It should be remembered that this minimum was fixed by law at a time when the price level was high and payments according to that cannot now be successfully made by the debtors. The main and the only consideration that should weigh with the court in fixing the number of instalments should be the repaying capacity of the debtor. Any other consideration as to how long the loan has been outstanding etc., should not be the ground in this behalf. The court should be empowered to direct in all cases at least sixteen instalments and be invested with discretion to raise the number of instalments in proportion to the amount payable annually and the income derived from the land, the object of such a provision being the affording of facilities for liquidation of the debt without injury to the corpus of the Estate.

Appendix F. G.–1J

SUBJECT.....

.....

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Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the *193* .

Date of issue 1/3/35

Signed by .....

Section.

File No.

Serial No.

No. P4648/Eccles

To

The Superintendent
Govt. D

Sir,

I am directed to forward herewith in original a copy of the R of the Commissioner appointed by Govt. report in which reference may, the enclosed Govt Resn requires to be amended I am directed to request you to ~~have the necessary~~ ~~action taken~~

22 To prevent shipping early 388 Copies
~~Furnished along with the~~
~~Orders of Board Known~~
~~as Devon as it gets ready~~

I have the

For Chief Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P4648 Dated, Bangalore, 1st March 1935

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To The Superintendent,
Government Printing.

Sir,

In forwarding herewith in original a copy of the Report of the Committee appointed by Government to report in what respects, if any, the Mysore Agricultural Relief Regulation requires to be amended, I am directed to request you to print and supply early 500 copies.

I have the honor to be,
Sir,
Your most obedient servant,

for Chief Secretary to Government.

Proceedings of the meeting of the Agriculturists Relief Regulation Amendment Committee, held on 11th October 1934 at 8.30 A.M.

All the members were present.

The chairman welcomed the members ~~of~~ to the meeting, and explained that after the Government Order constituting the Committee was received, a notice had been published in the Gazette inviting the public to offer their views on the terms of reference ~~of~~ the Committee, that a number of persons were also addressed direct by the Secretary under his instructions to furnish their opinion and that copies of the notice had also been sent to such of the gentlemen as had been suggested by some of the members of the Committee. He brought to the notice of the Committee that so far there had been response from about 50 persons and said that the object of this meeting was to consider the further lines of action to be taken in regard to the work of the Committee. He invited the opinion of the members as to whether all the letters that had been received should be read at the meeting or whether only the important ones might be read in extenso at one of the meetings. As suggested by the members a few letters representative of the various shades of opinion were read. It was agreed that all the opinions expressed by the gentlemen from whom replies have been received might be tabulated and circulated among the members.

2. Mr. Hosakoppa Krishna Rao observed that when the Regulation was enacted in 1928 its application was restricted to the Malnad, that no objections had been so far raised and no representations been made to Government from the Malnad people and that it was only after the Regulation was extended to the Maidan parts that objections arose from the people in the Maidan

parts. In these circumstances he proposed that the consideration of any amendments to the Regulation should be confined to the Maidan parts only. It was agreed that the question, how far there was any need for differentiation between the Malnad and Maidan parts as regards the provisions of the Regulation might be dealt with at a later stage, when the question of the amendments to be made in the Regulation is taken up for consideration.

3. It was agreed that the next meeting might be held on the 11th November 1934 at 12 Noon.

Proceedings of the second meeting of the Agriculturists' Relief Regulation Amendment Committee held on 11th November 1934.

All the members except Messrs. A.R. Nageswara Iyer and K. Chengalraya Reddy were present.

The chairman commenced the proceedings by stating that as desired at the previous meeting, an abstract of the opinions received, a list of amendments suggested by various persons, and a brief note indicating the main provisions of the bills under consideration in the British Indian Provinces had been circulated to the members and invited suggestions as regards the further lines of procedure. It was agreed that the Regulation might be gone through section by section with a view to consider what amendments were necessary.

Mr. Venkatakrishniah enquired as to whether any information was available apart from the reports of the Courts as to how far the Regulation had worked in the Malnad since its introduction and what its effects were on the credit facilities of the agriculturists. Mr. Abdul Wajid explained that he was in Hassan when the Regulation was first introduced in the Manjarabad Taluk and that he had heard no complaints about its working. Mr. Hosakoppa Krishna Rao said that in connection with the Malnad Depression Enquiry Committee, reports had been received from the Munsiffs' courts in the several places in which the Regulation had been working and that this information had been incorporated in the Repor of the Committee. It was explained that the Deputy Commissioners had, in connection with the questionnaire issued by the Agriculturists' Relief Committee, furnishe their opinions as regards the working of the Regulation and the amendments that were necessary, and the views

expressed by the Deputy Commissioners of Shimoga and Kadur were also read out. The chairman summarised the opinions of the Munsiffs of Manjarabad, Sagar and Narasimharajapur contained in the Administration Reports of the Civil Courts and observed that the general feeling was that in the absence of a provision for the debtor's property being kept under attachment till the decree amount was paid in full, the debtor was enabled to alienate his properties during the interval between the date of the decree and its final discharge by instalments and thereby practically cheat his creditors of their dues; that such a provision should be made in our Regulation as much in the interests of the creditors as in that of the agriculturists themselves whose credit was destroyed without it. The chairman brought to the notice of the Committee the provision contained in the United Provinces Bill for the debtor's property being kept under attachment until the whole decree amount was paid and observed that if a similar provision were made in our Regulation also it will go a great way to safeguard the interests of the creditors and also restore the credit of the agriculturists.

Before proceeding further, the extent and scope of the Committee's work with reference to the terms of enquiry was considered. The chairman observed that the terms of reference were very limited and that they had to confine themselves only/a consideration of such amendments as might be necessary to ensure that in trying to help the agriculturist his credit was not destroyed. Mr. Madhava Rao said that the Committee's work was primarily to improve the credit facilities of the agriculturist and incidentally to make it easier for the creditor to recover his money. It was agreed that no general overhauling of the Act need be attempted and

that the amendments to be proposed should be confined to the protection of the agriculturist's credit by removing the fear entertained by the creditor about the recovery of his outstandings. The Regulation was examined section by section.

Section 1: No remarks.

Section 2: Mr. Venkatakrishniah said that the definition of the term 'agriculturist' was comprehensive and included the agricultural labourer, the peasant proprietor and the tenant. Mr. Srikantiah suggested that kandayam instead of income should be the basis for ascertaining whether a debtor was an agriculturist within the meaning of this Section as this was easier to prove with reference to the records of the Revenue Department. Mr. Venkatakrishniah said that the existing basis no doubt involved dilatory proceedings and the summoning of witnesses etc., for giving evidence on the question of income and that in the Central Provinces also rent or kandayam had been made the basis. He was, however, after careful consideration, in favour of retaining the existing definition as the definition should apply to all the three classes of agriculturists, viz., the agricultural labourer, the peasant proprietor and tenants and that while it was possible to provide the kandayam basis in respect of the peasant proprietors, only income could be prescribed in the case of the others. He preferred, therefore, that for the sake of uniformity, the existing definition was maintained. The chairman observed that the adoption of the basis of rent or kandayam would be defective, in that the income on lands similarly assessed was not the same in all parts of the State and that even if such basis was prescribed, the agriculturist's total income from all sources, would also have to be fixed. He was of opinion, therefore,

that it was simpler to have the basis of income in respect of agricultural as well as the aggregate income.

Mr. Srikantiah said that the Regulation should apply only, to persons whose main, principal and primary profession was agriculture and not those who were only casual agriculturists and were deriving their income from other sources and pointed out that the protection afforded by the Regulation was being availed of by persons other than bona fide agriculturists. Mr. Venkatakrishniah explained that the present definition had been interpreted by the late Mr. Doraswami Iyer as meaning those whose main occupation was agriculture. It was finally agreed that the definition needed no alteration.

The question arose whether income referred to in this Section was 'net' or 'gross' income and Mr. Venkatakrishniah said that in legal phraseology and in its etymological sense 'income' meant 'gross income'.

Section 3: No change.

Section 4: Mr. Venkatakrishniah was for omitting the words"as a preliminary issue", so that the question of status might also be tried along with the other issues in the suit, as such a course would avoid delay. Mr. Abbas Khan said that the status of the person should be decided first and the chairman was also of this opinion as, if after the trial, the person is held not to be an agriculturist, the time taken in the trial of the other issues would be a waste. It was decided to let the Section stand as it is

Section 5: Mr. Venkatakrishniah said that he had closely examined this Section and that the various suggestions for amendment which had been made had apparently been due to a misapprehension as regards the scope of this Section. He said that the bona fide transferees for consideration were not subject to any disabilities on account of this Section and that while the corresponding Section in the Deccan Agriculturists' Relief Act provided for determining the nature of the

transaction within 12 years, the period had been reduced to 6 years in the Mysore Regulation, which was, therefore, much more favourable to the creditor than the Bombay Act. It was decided that the Section needed no change.

Section 6: Mr. Ramachandra Rao Sindia and Mr. Srikantiah said that the creditor should be given the liberty to sue wherever he liked and that the Section may, therefore, be deleted. Mr. Hosakoppa Krishna Rao said that in the majority of cases, the money lender in the village itself or close by accommodated the agriculturist and that normally the agriculturist would be sued only where he resided. Even in other cases, which were few, the Section was of benefit to the agriculturis as he would not be drawn away from his place for the purposes of the suit and he urged, therefore, that the Section which deliberately gave him this facility might stand. Mr.Venkatakrishniah explained that even under the usual law the suit could be filed at the place where the defendant resides or where the transaction was entered into or where the cause of action arose wholly or in part and that the Regulation had made it obligator to sue the agriculturist in the Court within the local limits of whose jurisdiction the defendant resides with a view to prevent his being unnecessarily harassed or being dragged to a distant place. It was ultimately settled that the Section need not be amended.

Section 7: No remarks.

Section 8: It was agreed that this Section may remain as it is and the question of fixing the maximum rates of interest in the case of agriculturist debtors be considered by the other Committee.

Sections 9 and 10:—No remarks.

Sections 11 and 12: Mr. Venkatakrishniah said that the Courts had no definite principles now laid down to guide them in exercising their discretion in the matter of fixing instalments for payment of the decree amount and suggested that a section may be added as Section 12 to the effect that in considering the gfant of instalmen and fixing the rates of interest the Court should have in view the rate of interest charged already and the period which the debtor has had already for repayment, and that the Court ~~xk~~ may also, at its discretion provide for the enforcement of the recovery of the full amount in cases of default.

The chairman observed that the capacity of the debtor to pay the instalments was also a prime factor to be considered in fixing the number of instalments. He, therefore, suggested that in fixing the instalments and the rates of interest, the Courts should be required to take into consideration the period that the loan had been outstanding, the rate of interest charged thereon and also the repaying capacity of the judgment debtor. It was agreed that an explanation on the above lines might be added to this Section.

As regards the future interest on decreed debts which were made payable in instalments it was consider that the existing provision in Sections 11 and 12 unde which it was left to the discretion of the Courts not to allow any interest, was not reasonable and that in all cases future interest should be allowed, the rate of interest, however, being left to be determined by t Court according to the circumstances of each case. In cases wherein the rate of interest originally charged the loan was itself sufficiently low, a moderate interest would be justifiable on the decreed debt; while,

in cases wherein a high rate of interest has already been recovered on the loan amount, the future interest on the decreed amount, might be fixed very low. It was, therefore, agreed that both the Sections be slightly amended so as to admit of ~~k~~ future interests being allowed "at such rate as the Court considers reasonable having due regard to all the circumstances of the case".

It was decided that the next meeting of the Committ to consider the remaining Sections of the Regulation might be held on the 1st December 1934 at 12 Noon.

Notes of discussion of the meeting of the Agriculturists' Relief Regulation Amendment Committee held on 1st December 1934.

All the members except Messrs. A.R. Nageswara Iyer and Abbas Khan were present.

The chairman announced with regret that he had heard just then of the sad demise of Mr. V.P. Madhava Rao, retired Dewan of Mysore, and suggested that as a mark of respect the meeting may stand adjourned. This was agreed to by the members present. Before dispersing, the chairman brought to the notice of the Committee that the Grain Merchants' Association was anxious to meet the Committee and represent their views as regards the lines on which the Regulation needed to be amended. It was agreed that representatives of this Association as well as others who would like to meet the Committee might be permitted to do so at a later stage of the proceedings. The Committee then dispersed on the understanding that it would meet again on the 14th December 1934.

Notes of discussion at the third meeting of the Agriculturists' Relief Regulation Amendment Committee held on the 14th December 1934.

All the members except Mr. Abbas Khan were present

Before proceeding with the business of the day, a deputation consisting of Messrs. B.S. Madhava Rao, J. Sadasiviah and Belihalli Sitaramiah of the Koppa Taluk on behalf of the ryots of Koppa Taluk met the Committee and pleaded for the retention of the Agriculturists' Relief Regulation and for the enlargement of its provisions so as to make the Regulation applicable to a larger class of agriculturists and so as to require the Courts to fix the number of instalments at, at least, 16 They stated that the provision regarding exemption from arrest should not be interfered with but that they had no objection to the inclusion in the Regulation of sufficient safeguards to secure the creditors' interest such as the attachment of the immoveable properties of the debtor so as to prevent their alienation by him to defraud the creditors.

The consideration of the amendments to the Regulation was then taken up. The several amendments which had been proposed in respect of Section 12 were considered. It was decided that provisions should be incorporated in the Regulation to safeguard the interests of creditors and to prevent the debtors from defeating the creditors by fraudulent alienation of their properties. It was accordingly agreed that provisions for the following items might be made in the Regulation:-

1. Attachment of properties of the judgment debto at the time of passing the decree for payment of the amount in instalments or at any stage of the proceeding

2. Default clause providing for recovery of the

amount in the event of the judgment debtor failing to pay the instalments fixed by the Court.

It was suggested that necessary provision on the lines of clause 3, sub-clauses 2,3 and 4 of the United Provinces Agriculturists' Relief Bill, should be made in our Regulation.

As regards Section 13 which exempts agriculturists from arrest and imprisonment Mr. Srikantiah and Mr. Ramachandra Rao Sindhia considered that arrest should be provided for in the following cases, viz.,

1. for debts which the debtor had to account for in a fiduciary capacity.

2. for dishonest transfer or deliberate concealment or alienation of property with the deliberate intention of cheating the creditor before or after the date of suit

3. for showing undue preference dishonestly in favour of some creditors to the prejudice of others.

4. for continuous neglect to pay when the debtor has had the means to pay.

The majority of the members were, however, not in favour of making any change in the existing law in this respect.

As regards Section 14, it was agreed that this should be amended in the light of the other amendments proposed above.

Sections 15 to 19: No remarks.

Section 20: In view of the amendments proposed above to create a charge on property as security for payment of instalments referred to above, paragraph 2 of this Section to be amended by the addition of the words "or by Order of Court" after the word 'law' in line 2.

amount in the event of the judgment debtor failing to pay the instalments fixed by the Court.

It was suggested that necessary provision on the lines of clause 3, sub-clauses 2,3 and 4 of the United Provinces Agriculturists' Relief Bill, should be made in our Regulation.

As regards Section 13 which exempts agriculturists from arrest and imprisonment Mr. Srikantiah and Mr. Ramachandra Rao Sindhia considered that arrest should be provided for in the following cases, viz.,

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3. for showing undue preference dishonestly in favour of some creditors to the prejudice of others.

4. for continuous neglect to pay when the debtor has had the means to pay.

The majority of the members were, however, not in favour of making any change in the existing law in this respect.

As regards Section 14, it was agreed that this should be amended in the light of the other amendments proposed above.

Sections 15 to 19: No remarks

Section 20: In view of the amendments proposed above to create a charge on property as security for payment of instalments referred to above, paragraph 2 of this Section to be amended by the addition of the words "or by Order of Court" after the word 'law' in line 2.

Section 21: Mr. Venkatakrishniah observed that there was no limit of time prescribed in this Section and that when the execution period is itself fixed by law at 3 years, it was a point for consideration whether a similar or a lower period should not be fixed for purposes of this Section instead of its being left indefinite. On further discussion it was decided that no amendment was necessary.

As regards Section 22 there was discussion whether rates of interest should be prescribed in the Regulation itself as a guide to the Courts. It was eventually decided that it was not desirable to fix any such limits.

As regards Section 23 it was suggested that this Section might be omitted as the existence of this Section precluded the small cause courts from trying suits under this Regulation and that consequently there was some inconvenience and also delay in the disposal of the suits of a small cause nature. It was, however, pointed out that the object of the Regulation was the provision of remedy by way of appeal which would not be available if the suits were not tried as original suits and that, therefore, although there might be some delay it was desirable to preserve the right of appeal and that the provision mayx stand.

Section 26: Discussion regarding the application of the Regulation to pending suits instituted on or after January 1926 formed the subject of discussion and it was considered that as the remedies provided by the Regulation were all necessary in the interests of the agriculturists even in respect of pending suits, the provision need not be interfered with.

The next question that was taken up was whether any exemption from the operation of the Regulation was necessary in the case of the Co-operative Societies.

In this connection the chairman brought to notice the exemption made in favour of Co-operative Societies in the Bombay Act and read the following extract* from the objects and reasons of the Bombay Act which justified the enactment of this exemption.

The question of exempting the Joint Stock Companies from the operation of the Regulation was discussed and it was considered that as they were worked chiefly in the interest of the shareholders, they stood on a different footing from that of co-operative societies. It was brought to notice by one of the members that some of the co-operative societies were also charging high rates of interest on their loans and that they should not be granted exemption. It was finally resolved that provision might be made in the Regulation enabling Government to exempt from the operation of the provisions of the Regulation such Co-operative Societies or class of societies as they consider fit.

The question was next considered whether in view of the amendments proposed to be made, a recommendation may not be made suggesting the withdrawal of the application of the Regulation to the Maidan parts until the Regulation had been amended. The members were unanimously not in favour of making such a recommendation.

The next meeting was decided to be held on the 18th morning at 8-30 A.M.

Notes of discussion of the meeting of the Agriculturists' Relief Regulation Amendment Committee held on 18th December 1934.

All the members except Messrs. M. Ramachandra Rao Sindia and S.C, Mallaiah were present.

This meeting was specially convened with a view to meet the deputation on behalf of the Grain Merchants' Association. Owing to want of timely notice to the Association, the deputationists could not be present. It was decided that they might be requested to meet the Committee at their next meeting. It was also settled that the draft Report might be drawn up and circulated so that it might be discussed at the next meeting.

Notes of discussion of the meeting of the Agriculturists' Relief Regulation Amendment Committee held on the 28th December 1934.

All the members except Messrs. M. Ramachandra Rao Sindhia, A.R. Nageswara Iyer and K. Chengalraya Reddy were present.

A deputation on behalf of the Grain Merchants' Association headed by Mr. Mandi Harianna met the Committe Mr. Narasimhachar, Secretary of the Association was the spokesman of the deputation. The chairman observed that the several points which the Association wanted to to bring to the notice of the Committee had been set down in the letter which had already been sent by it and enquired if they had anything more to add. The Secretary explained that all the points were contained in the memorandum already sent and that their object was to further explain these points. It was pointed out that the terms of reference to the Committee were limited and that therefore the Committee could not consider the question of amending the Act in all particulars and that they could make recommendations only in regard to such Sections as needed to be amended for protecting the creditors' interests to the extent necessary for securing the credit of the agriculturists. The Secretary represented that although some of the points may not come under the terms of reference, the Committee might consider such matters as affect either the creditor or the agriculturist debtor.

The traders, particularly have been providing the agriculturists with finance at almost every stage of their existence and in most cases the amounts are advanced on accounts and are unsecured. While there was not much difficulty so far as secured debts were concerned except that the recovery was postponed by the grant of instal-

instalments by the Court, there was considerable difficulty in the realisation of unsecured debts, owing to the troubles involved in proceeding against standing crops and the moveables (which in most cases are inappreciable) of the agriculturist debtor. While the immoveable properties of the debtor were exempt from attachment, opportunity was afforded to him to alienate his properties and defeat the creditor. It was necessary, therefore, that sufficient safeguards should be provided in the Regulation against the alienation of his properties by the debtor, so that the creditor may have the assurance that the unsecured debts could be recovered.

Under Sections 11 and 12 of the Regulation, the instalments granted are allowed to be spread over a long period of 8 years and the Courts have also the power of further extending this period at their discretion. The Sections should be amended so as not to allow the limit of 8 years to be exceeded in many cases.

Mr. Narasimhachar next pointed out that there was no provision in the Regulation as to what should be done if the judgment debtor defaulted in paying the instalments fixed by the Courts.

He next observed that the provision for arrest was a very salutary one in that the debtors would through fear of being arrested discharge their obligations somehow. The traders had all advanced money in the hope that this remedy would be available to them under the then existing law. The retrospective effect given to the Regulation has taken away this right and consequently the traders have been very much affected. He suggested, therefore that arrest should apply to old debts contracted befor the Regulation came into force.

Mr. Narasimhachar next observed that Section 5 ought to be deleted. He said that the admission of oral agreements and statements as against documentary evidence would lead to perjury and dishonest pleas being set up.

As regards Section 8 he said that the reopening of the transactions from the commencement necessitated very old accounts being produced before Courts, and this was a hardship, considering that the normal period of limitation itself was 3 years. In many cases it would not be possible to produce old accounts and in such cases the Court may draw presumptions against the creditor. He suggested, therefore, that the period up to which the transactions might be reopened might be limited to 3 years from the date of previous settlement or from the date of the suit.

In regard to Section 10 he pointed out that the latter part of the Section under which the decree for redemption could be passed even though the mortgaged debt has not been completely discharged, was ambiguous in that it would appear that redemption could be ordered by the Courts even though the balance of the mortgaged debt might not be paid and that consequently the credit might lose the security which he had for the loan advanced.

As regards Section 11 he said that the provision enabling the Courts not to allow future interest should be deleted as it would be hard to deny interest to the creditor when instalments are granted.

The repeal of Section 23 was urged on the ground that the Small Cause Court's could not try suits under the Regulation and that it consequently meant delay in the disposal of these suits. The chairman explained

Finally Mr. Narasimhachar said that the agriculturists had lost credit on account of the Regulation and that sufficient safeguards should be provided for protecting the interests of the creditors. He thanked the Chairman and the other members of the Committee, on behalf of the deputationists for their patient hearing and then the deputation withdrew.

The draft amending bill which had been circulated was next taken up and the following amendments were agreed to:-

Section 11: In the second sentence of paragraph 2, a full stop may be inserted at the end of the word 'rate' and the rest of the sentence "unless .. . .to do so" omitted.

A new Section on the lines of the U.P. Agriculturists' Relief Act Section 3 (2), which was to be applicable in respect of unsecured debts, to be added as Section 12 A.

In fixing the number of instalments under Sections 11 and 12 the Court shall take into consideration the period during which the loan was outstanding and the repaying capacity of the judgment debtor.

Clauses 3,4,6 and 7 as in the draft bill were approved.

In paragraph 1 of Section 12, the words "with or without interest" to be omitted.

In paragraph 2 of the same Section a full stop to be substituted for the coma after the word 'rate' and the rest of the sentence to be omitted,

Another clause to be added to Section 14 as follows:-

The Court may, however, at the time of passing a decree for money against an agriculturist, or at any stage of the execution proceedings, either attach his immoveable property, if any, or declare a charge on such property within the meaning of Section 100, ~~Transfer~~ Transfer of Property Regulation.

It was agreed that the draft Report together with the Draft Bill ~~prepared~~ embodying the amendments which have been unanimously approved by the Committee be prepared and sent to the members of the Committee for their final approval before they are sent up to Government by the Chairman of the Committee.

List of persons who have sent their opinions on the Agriculturists' elief Act.

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1. K.T. Devappa Gowda, Landlord, Nallur, Megarvalli Post.
2. Secretary, Rural Reconstruction Association, Kikkeri.
3. P.V. Srikantaiya, Gorur, Hassan.
4. M. Ramappa, Rattehalli, Sagar.
5. Malali Venkataramaiya, Sa Krishnan
6. N. Thimmiah Gowda, Gunasandra, Nagenhalli, Nagamangala Taluk
7. D. Ramaiya, Pleader, Doddaballapur.
8. Ryots and moneylenders of Mulbagal Taluk.
9. M. Venkataswami Naidu, Contractor, Malur.
10. K.V. Venkatesa Prabhu, Kalasa
11. Mahomed Yasim Sab, Mulbagal.
12. Chairman, Village Panchayet, Varadaganahalli, Mulbagal Taluk
13. K.T. Satyanarayana Setty, Birur.
14. T. Mir Mahomed, Tarikere
15. A.K. Ramaswami, Pleader, Chickmagalur.
16. K.P. Raman, Pleader, Kolar
17. Chennagiri Rangappa, Davangere
18. B.S. Ananthakeshavachar, Pleader, Chickmagalur.
19. V.R. Chicknanjappa Setty, Kolar
20. B. Gopalachar, Thirthahalli
21. K.Raghavendra Rao, Thirthahalli
22. K. Sivaramiah, Holenarsipur (Bar Association)
23. S. Ramanna, Shimoga
24. B. Krishna Bhatta, Koppa
25. G. Chennappa, Advocate Chitaldrug.
26. M.S. Ramachar, Pleader, Kolar.
27. H.V. Narayana Rao, Advocate, Bangalore
28. G.S. Abdul Hamid, Chickmagalur
29. Tudiki Ramanna, Thirthahalli
30. K. Hanumantha Rao, Chitaldrug Savings Bank Ltd.
31. Multani Bankers' Association, Bangalore
32. B. Ramachar, Pleader, Sagar.
33. M. Venkatagiri Rao, Pleader, Sagar
34. B.V. Rama Rao, Advocate, Bangalore.

35. Mv Javanmull Tarachand, Sahucar, Chickmagalur.

36. / Secretary, Law Association, Kolar

37. Mv H.C. Visvesvariah, Tarikere.

38. Mirle Lakshminarapappa, Advocate, Bangalore.

39. Rao Bahadur M.C. Rangiengar, Advocate, Holenarsipur

40. K.M. Krishnappa Gowda, V.P., District Board, Mysore.

41. D. Raghavachar, Advocate, Bangalore.

42. H.K.N. Acharya, Advocate, ~~Bangalore~~ Shimoga.

43. Syed Mohiuddin Hussein, Sir Khaji, Chitaldrug.

44. K.P. Srinivasa Prabhu, Balehonnur.

45. B. Vasudeva Murthy, Advocate, Bangalore.

46. M.A. Gopalaswamy Iyengar, Bangalore.

47. C. Narasinga Rao, Advocate Bangalore.

48. T.G. Narana Iyengar, Advocate, Shimoga

49. Manager, Bank of Mysore

50 Mv B. Narasinga Rao, Pleader, Mysore.

51. K. Rangaiengar, Advocate, Tumkur

52. Jathara Naik, Hiriyur

53. T. Sadasiviah, Hariharpur.

54. P.R. Divakar Naik, Molakalmuru

55. A. Narayana Iyengar, Pleader and Land Holder, Hassan.

56. G. Venkataswami Gowda, Goribidanur.

57. Secretary, Bar Association, Mysore

58. Mv A.V. Suryanarayana Setty, Mysore.

59. S. Krishna Rao, Retired Sub Judge, Mysore.

60. D.H. Chandrasekharaiya, Advocate Davanagere.

61. B. Venkatesa Rao, Advocate, Bangalore.

62. B. Venkataswami, Advocate, Chitaldrug.

63. Raja Hanumappa Setty, Bowringpet Taluk

64. P.R. Narasinga Rao, ~~Advocate~~ Bangalore

65. B. Venkatasamanna, Advocate Chitaldrug

66. B. Dyavegowda, Chickmagalur

67. N.V. Narasimha Iyengar, Advocate, Bangalore

68. N. Seshasastri, Advocate Shimoga

69. Citizens of Bowringpet

70. Mv Tagadur Ramachandra Rao

71. Residents of Chickballapur

72. Ryots of Bhadravathi and Hirenallur Hoblis

73. Mr Chinnappa and others, Thirthahalli

74. Mr P.G. D'Souza, President, Central Co-operative Bank

75. Mr D.S. Mallappa, Jeweller

76. Grain Merchants' Association, Bangalore.

77. Directors and managing agents of Joint Stock Companies, Chamarajanagar.

78 Mr M.P. Somasekhara Rao, Advocate Bangalore

79... D.V. Venkatasubba ~~Secretary~~. Retd, Dasanpur. Nanjangud Taluk

Amendments suggested in the replies received.

PREAMBLE to be amended as follows:--

1. Whereas it is expedient to give relief to the indebted agricultural classes in Mysore . . . . . .

2. To afford some relief to the agricultural classes in their present state of indebtedness.

Section.1

Extent:--

Cities like Bangalore, Mysore and Kolar Gold Fields to be entirely excluded.

Section 2.

A. Definition of agriculturist:--

1. Should be one who cultivates himself and should include a lessee who lives by cultivating the lands on Vara or lease.

2. Whose main living is from lands.

3. Who own lands and who are actually engaged in their cultivation and who are mainly and entirely dependent on agriculture for their maintenance without any other income or occupation. A habitual or professional money lender should be excluded.

4. Should be confined to Tiller of the soil.

5. Should be cultivating proprietors, tenants and agricultural labourers.

6. Who personally engages himself in agriculture and earns his livelihood wholly or principally thereby.

7. Definition as in Deccan Agriculturists' Relief Act may be adopted.

8. Non-agriculturist labourers also should be included.

9. Should not apply to Varam tenants.

10. ~~should~~ Tenants and lessees should be excluded.

11 Regulation should be applicable to persons who by their servants or tenants earn their livelihood wholly or principally by agriculture.

12. For 'ordinarily' substitute 'entirely' and add 'either by himself or through servants' after 'agriculturists'.

B. Reduction of limit of income:--

1. Rs.300/- from all sources.

2. Rs.250/- from agriculture and Rs.500/- from all sources.

3. Rs.200/- from all sources.

4. Rs.200/- from agriculture.

5. Rs.200/- from agriculture and Rs.400/- from all sources.

6. Rs.200/- from agriculture and Rs.500/- in the aggregate.

7. Rs.240/- from agriculture and Rs.480/- in the aggregate.

8. Gross income to be less than Rs.500/-.

9. Gross annual income from all sources to be less than Rs.250/-, the aggregate being Rs.1000/-.

10. Income should be net.

C. Increase of limit:--

1. No limit (All bona fide agriculturists)
2. Whose indebtedness runs up to Rs.5000/-
3. Whose income is less than Rs.2000/-

4. Rs.1000/- from agricultural and Rs.1500/- in the aggregate.

D. Limit to be fixed in terms of assessment up to Rs.50/-.

E. Eligibility for the concessions under the Regulation to be fixed on the acreage basis.

Whether gross or net to be specified.

Delete Explanation (b) 56

Add the explanation as in the Deccan Agriculturists' Relief Act that an agriculturist who is prevented from so earning his livelihood or engaging in agriculture by age or bodily infirmity does not thereby cease to be an agriculturist.

Explanation (c):-- The principle of 'Res Judicata' as regards 'Status of the defendant should apply to execution proceedings also.

Add 'or proceeding' after 'suit' in line (2) and ' or further order in the proceeding' after 'suit' in line 4.

In the definition of 'Money' omit 'agricultural produce'

Definition of 'Money' to be omitted.

The words ' or not raised at all ..... raised' to be omitted.

Status of 'Agriculturist' to be decided as at the time of application or suit and not also at the time of the transaction.

Section 3.

1. As in the Deccan Agriculturists' Relief Act the Regulation should apply only to suits of value not exceeding Rs.500/-.
2. Regulation should not apply to
   (i) suits for recovery of kandayam paid by the creditor to save them from being sold for arrears of revenue.
   (ii) Rent suits.
3. Regulation should not be made applicable to suits for maintenance, exception being made when arrears for more than 2 years are claimed.
4. The Regulation should not apply to sureties offered to the Court by debtors and their property or to the legal representatives of judgment debtors.

5. Explanation may be added that suit includes execution or other proceedings arising from such suits.

A person becoming liable as surety at any stage of a suit or proceeding shall be deemed to be a defendant for the purpose of this Section.

6. Suits for (1) maintenance (2) for damages for rent andoccupation and mesne profits. (3) Suits for damages arising from torts to be exempted.

7. Omit the words 'having sold or' and 'the vendee or'.

Section 4.

1. Decision on question of status should be appealable.

2. Issue regarding status should be raised at the earliest opportunity.

3. Revision to lie to the subordinate appellate Courts also, the power of High Court being confined to the question of jurisdiction.

4. Provision to be made that a declaration in writing at the time oftransaction that the defendant is not an agriculturist should operate as an estoppe

Section 5.

1. To be deleted.

2. Should not apply to transactions prior to 1-1-1934.

3. Admission of oral evidence to be confined to unconscionable transactions.

4. Should not affect bona fide transferees for consideration without notice.

Section 6.

The ordinary law of jurisdiction should apply.

Section 7.

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Section 7.

Add the words 'if the amount of the claim be disputed' between the words 'Court' and 'shall'.

Section 8.

1. Should be overhauled.
2. Should not apply to contested suits.
3. Retrospective effect to be given should be defined so as not to reopen transactions which had ended in effective and judicial adjudication or which have merged in decrees or orders and sales thereunder
4. Investigation should be limited to the point of time of the last settlement and should not be carried further back.
5. Explanation to be added to this Section that interest shall be deemed to be excessive or unreasonable if it exceeds 9 and 12% simple interest according as the loan is secured or unsecured.
6. Substitute 'may' for 'shall'.

Section 10.

Delete.

Section 11.

1. Add default clause, 'if any instalment payable under such direction as is made by the Court remains unpaid when due, the Court may direct that the whole amount of the unpaid debt shall be paid immediately and that the mortgaged property be sold to realise the debt.'
2. Provision for grant of instalments even after sale but before confirmation.

Section 12.

1. This section should not apply to past decrees
2. Period to be reduced to 4 instalments.
3. (a) for amounts less than Rs.100/- not more than 4 instalments and in all other cases not less than 8 and more than 25.

(b) to be fixed with reference to the income of debtor and quantum of debt.

(4) Instalments to be reduced to 4 and not to exceed 6.

(5) Instalments to be reduced to 2.

6. Instalments to be reduced to 3 years at intervals of 3 months, if the amount is small, and 5 years if it is large.

~~Xxxxx Instalments xxxx be reduced x to 3x~~

7. Period to be reduced to 3 years, interest being that agreed upon in the bond and the debtor to furnis satisfactory security.

8. Instalments to be reduced to 3.

9. Period to be limited to 3 years when the amount does not exceed Rs.300/-, and the Court's discretion to extend period to be withdrawn.

10. Instalments to be reduced to 6 and Courts' power of discretion to be withdrawn.

11. Period to be reduced to 4 years and Court's discretion to extend the period to be withdrawn. ~~xxxxx~~ Interest and instalments should be fixed with reference to the debtor's budget.

12. to be increased to 16.

13. In granting time difficulties and circumstances of both creditor and debtor should be considered and long periods should be granted only on furnishing proper security.

14. In granting instalments, Courts should consider

(1) amount of interest paid previously
(2) income of defendant
(3) his domestic necessities and demands
(4) status of creditor anddecree amount.

15. For decrees passed for amounts relating to transactions prior to 1-1-1934, two instalments may be granted, failure to pay the first rendering the whole amount becoming due. As regards others, the Regulation should not apply if the amount does

does not exceed Rs.50/- and for sums exceeding Rs.50/- suitable time to be allowed, default in payment of any one instalment rendering the whole amount recoverable.

16. Security to be taken before grant of instalments.

17. Provision to be made for attachment of crops before judgment and appointment of receiver by way of anticipatory security.

18. Produce and proprietorship to be made first charge for payment of instalments.

19. In ordering payment of instalments, the capacity of the debtor to be ascertained and if he is incapable of paying, steps should be taken to declare him an insolvent.

20. If the debtor cannot give satisfactory security for payment of instalments, the crops to be attached and sold by Revenue authorities, and out of the sale proceeds, after payment of land revenue, interest and maintenance charges of the debtor and his family, the balance to be adjusted towards instalments.

21. Courts' power to modify decrees passed before the Regulation to be limited.

22. Omit the word 'without' in the Section.

23. Interest on decreed debts to be 6%

24. Current interest not to be allowed on decreed debts.

25. The Section should apply to the agriculturists who have rendered themselves liable as sureties for the amounts.

26. No penal provision should be made for cases of default.

27. Provision of Civil Procedure Code about grant of instalments, procedure on default, etc., to be adopted

DEFAULT.

1. On default of any one instalment the debtor to be liable to arrest and his immoveable properties to be liable for attachment and sale.

2. Immoveable property to be liable to attachment and sale in case of default, attachment of immoveables continuing till the debt is repaid.

3. Default clause to be added that on default of payment of any one instalment, the entire amount should be recoverable.

4. Courts to be empowered to order attachment of properties while granting instalments

5. Instalments not to be granted unless application is made at the earliest opportunity.

6. In cases of default of instalments, portion of property to be left with the creditor temporarily and if till the end, the instalments remain unpaid, the properties may be sold.

Section 13.

1. Arrest of judgment debtor should be provided for, except at sowing and reaping seasons.

2. In case of default of payment, or the property not being sufficient, arrest warrant should be issued.

3. Arrest to be provided for in the case of landless agriculturists.

4. Section not to apply to debts existing at or before the time the Regulation comes into force.

5. Judgment debtor to be liable to be arrested i he is proved to have done any act of bad faith in respect of his property to and defeat his creditor

6. Add at the end of the Section 'in the first instance, provided that the Court may order the arrest of a judgment debtor who wilfully makes

default in the payment of instalments fixed by the Court.' Before passing an order under this Section, the Court shall cause a notice to be issued to the judgment debtor, and shall hear and take into consideration any objection he may urge.

7. Section to be deleted.

Section 14.

1. Power to be given to the Courts to order attachment and sale of immoveable properties to the extent of realisation of any instalments amounts.

2. Section to be deleted and if it is to be retained really bona-fide agriculturists may be given an exemption of 2 acres of dry land and an acre of wet land from attachment and sale in execution of a money decree -- a proviso to this effect being added in Section 60, Civil Procedure Code.

3. Immoveable properties should be held as a charge in respect of unsecured debts.

4. Immoveables to be made liable to attachment and to be proceeded against, if there is default in payment of instalments.

5. In all reasonable cases Courts should grant attachment of moveables and immoveables, both before and after judgment to prevent unfair and dishonest alienations.

6. (a) Immoveables to be liable to attachment even for unsecured debts if moveables are not enough.

   (b) Temporary attachment before judgment to be provided for.

7. Provision to be made disabling the indebted agriculturists from alienating his properties for any purpose other than discharging existing debts.

8. Courts should be enabled to sell so much of

immoveables of the debtor as would be enough to cover the decree amount, if default is made in paying two instalments provided that moveables and standing crops are proceeded against in the first instance and they are found to be insufficient. The immoveable properties should also be liable to attachment so that they may not be alienated till the debts are discharged, and all alienations made from the time the debtor is declared an agriculturist till the discharge of the debts should be invalid.

9. The immoveable properties to be liable to attachment and not to sale except for the default instalments, only so much as is sufficient for realising the defaulted instalments being sold in execution. The claim of the creditor should be a specific charge on the attached properties and such charge should relate back to the date of attachment.

10. (a) Provision for attachment at any stage to be made, sale being postponed until default.

(b) Orders which the Courts are entitled to pass and enforce in exercise of their inherent jurisdiction apart from orders arising from any engagement or contract between the parties should be excluded.

11. Under no circumstances should immoveables be liable for sale either for secured or unsecured debts. Creditors may be allowed to enjoy the properties of judgment debtor, keeping regular accounts so that their debt may be liquidated in a certain number of years. This should be made applicable to all pending execution cases in which the properties have been purchased by decree holders and others for nominal sums.

12. Delete this section.

13. Properties other than those mortgaged should never be subject to attachment for the debt, or shoul be liable in any manner.

14. Exemption from attachment should apply only to so much of the agricultural lands as may be found necessary for the maintenance of the agriculturist and his family and his house or houses actually occupied by him.

15.(a) Add Section 14(a):-- No agriculturist claiming relief under this Regulation shall sell, transfer or otherwise wholly divest himself of his rights in any of his immoveable properties or the standing crops growing thereon except with the permission of the Court.

(b) No agriculturist who has alienated or transferred his rights in any immoveable properties within a period of two years before the date of his applying for relief under the Regulation shall be entitled to claim the benefits of the Regulation, provided that the Court may annul any such transaction if it was entered into with a view to defraud any of the creditors.

Section 15.

1. Omit the words 'the third schedule of the'

2. Interference of the executive on the action of Civil Courts is undesirable.

Chapter III.

To be deleted.

Add a section requiring the agriculturist (found entitled to the benefit of the Regulation) to maintain account of his income and to produce the same before courts periodically.

Section 20.

1. Paragraph (1) may be omitted as it is redundant.

2. In paragraph (2), for 'Section' read 'Regulation'.

Section 21.

1. No payment to be recognised unless it is recorded on the said bond.

2. Add at the end 'on production of receipt, pass book or other document in writing evidencing such payment'.

3. Add a proviso - provided such payment or adjustment has been made or obtained within 3 years before it is pleaded.

4. Delete this Section. (Provision in Order 21 Rules 1 and 2 and Articles 174 and 175 (a) of the Limitation Regulation are enough.)

Section 23.

To be deleted; also proviso to Section 26.

Section 26.

1. Retrospective effect should not be given to the Regulation. It should apply to transactions subsequent to 1-1-34.

2. Regulation should not apply to decrees obtained 3 years prior to the date of extension of the Regulation

3. Add 'proceedings' after 'suits' and 'Or Court of Appeal' after ' instance'.

4. Regulation should not apply to debts earlier than 1-1-1929.

5. Proviso to be confined to cases where the case has not actually begun.

Section 27.

Add as Section 27:-- Privision requiring the agriculturist to disclose his status to the money lender at the time of the transaction.

~~Interest~~

Interest.

1. Maximum and Minimum rates to be prescribed.

2. Provision to be made that interest should not exceed 12%.

3. Limit of interest realised by the creditor from the commencement of the transaction should not exceed the amount of principal, any excess over this being adjusted xk towards repayment of principal.

4. Rate of interest to be fixed at 8 or 9%.

5. Rate to be 6% in respect of all debts from the date of transaction.

6. Rates not to exceed 12% for unsecured debts and 9% for secured debts and 6% for large amounts.

7. To be reduced to 6%, from 18 to 24% in view of the slump.

8. To bereduced to 6%, and to be reduced further if th period is prolonged.

9. Provision to be made enabling Government to fix maximum rates of interest from time to time.

10. Interest on agricultural debt to be limited to 12% for unsecured and 10% for secured debts.

11. Interest t o be fixed at 6% subsequent to 1930 or193

G e n e r a l.

1. Power under Sections 11 and 12 should be exercise-able by appellate and Revisional Courts.

2. Before the debtor is proved to be an agriculturist, he should be made to give proper security for the suit amount.

3. Co-operative Societies to be exempted from the operation of the Regulation.

4. Benefit of the Regulation to be extended even after the sale of properties.

5. Provision to be made to prevent all and sundry raising the plea of agriculturist by putting in dishonest claims.

6. Stage at which plea of agriculturist can be raised to be definitely fixed.

7. Provision to be made for the agriculturist debtor depositing the amount of debt partly or fully in C

in Court for payment to creditor to relieve himself from interest.

8. Co-operative Societies not to be exempted.

9. Banks under the Companies' Regulation, or at least the Mysore Bank to be exempted.

10. Usurious Loans Regulation to be amended fixing tests of reasonable rates of interest - 12% in respect of secured and 15% in respect of unsecured debts..

11. Declaration in writing that the defendant is not an agriculturist should operate as estoppel in subsequent proceedings.

12. Sections 12, 13 & 14 should apply only to suits falling within the scope of Section 3.

REPORT OF THE COMMITTEE APPOINTED BY GOVERNMENT IN THEIR ORDER No. P. 1300-11—LEGIS. 20-34-2, DATED THE 8TH SEPTEMBER 1934, TO REPORT IN WHAT RESPECTS, IF ANY, THE MYSORE AGRICULTURISTS' RELIEF REGULATION REQUIRES TO BE AMENDED.

We may be permitted to preface our report with a brief account of the circumstances which gave rise to the appointment of this Committee. In their Order No. L. 1891-902—Sany. 50-24-13, dated the 8th September 1925, Government appointed a Committee with Mr. K. Chandy, Member of Council, as Chairman, to consider the report made by the Special Economic Survey Officer for the Malnad appointed by Government in 1925. The Committee having, among other proposals, recommended legislation being undertaken by Government on the lines of the Deccan Agriculturists' Relief Act for the relief of indebted agriculturists in the State, a note on the subject was placed before the Representative Assembly at the Budget Session of 1926, and a Bill introduced before the Legislative Council in December 1926. After going through various stages, the Bill was finally passed into law in July 1928.

2. Though the enactment had its origin in the recommendation of the Committee appointed to consider the question of improvement of the Malnad, its provisions were made applicable to any part of the State to which it might be extended by a notification issued by Government under Section I of the Regulation. The operation of the Regulation was, in the beginning, restricted to the three Malnad Taluks of Manjarabad, Sagar and Koppa. But subsequently, on the recommendations made by the Malnad Economic Depression Enquiry Committee appointed by Government in April 1931 for the extension of the Regulation to all Malnad Taluks in the State and on the representations made to Government in the Representative Assembly for its extension to all parts of the State including the Maidan, Government in their notification, dated the 30th December 1933 directed the extension of the Regulation to all parts of the State with effect from 1st January 1934. Representations having been thereupon made and a resolution moved at the Budget Session of the Representative Assembly in June 1934 protesting against the Government Order directing the extension of the Regulation on the grounds that it had adversely affected the honest money-lender and had also resulted in considerable shrinkage of agricultural credit, and the question having formed the subject of discussion at the following session of the Legislative Council, the Government promised to appoint a Committee to go into the question. Accordingly, this Committee was appointed by Government in their Order No. P. 1300-11—Legis. 20-34-2, dated the 8th September 1934 with the undermentioned personnel to examine how far the extension of the Regulation to the whole State has affected the credit of the agriculturists and report in what respects, if any, the Regulation requires to be amended and to submit also a draft Bill embodying the recommendations of the Committee for any legislation that may be required.

1. *Rajasabhabhushana* K. R. Srinivasiengar, M.A.,
   Retired Member of Council, Chairman of the Committee.
2. Mr. N. Madhava Rau, B.A., B.L.,
   Revenue Commissioner in Mysore.

3. Mr. S. Abdul Wajid, B.A.,
General Secretary to Government.

4. Mr. A. R. Nagesvara Iyer, B.A., B.L.,
Government Advocate.

5. Mr. S. Venkatakrishnaiya, B.A., B.L.,
Retired District Judge and President,
Mysore Provincial Co-operative Apex Bank.

6. Mr. M. Ramachandra Rao Sindia,
Member of the Legislative Council.

7. Mr. K. Chengalaraya Reddy, B.A., B.L.,
Member of the Legislative Council.

8. Mr. K. Srikantaiya,
Member of the Legislative Council.

9. Mr. S. C. Mallaiah,
Member of the Legislative Council.

10. *Khan Bahadur* Mohamed Abbas Khan,
Member of the Legislative Counc...

11. Mr. Hosakoppa Krishna Rao,
Member of the Representative Assembly.

Mr. S. K. Venkataramana Aiyar, B.A., B.L., Acting Assistant Commissioner, was appointed as Secretary to the Committee.

3. The Committee held six meetings on the undermentioned dates:—

11th October 1934	14th December 1934
11th November 1934	18th December 1934
1st December 1934	28th December 1934

A copy of the detailed proceedings of each of these meetings is attached to this report for the perusal of Government.

4. On receipt of the Government Order constituting the Committee, a notice was published in the *Mysore Gazette* of the 21st September 1934 and also the leading newspapers in the State inviting the opinion of the public on the terms of reference to the committee and in particular in regard to the following aspects of the question:—

(1) The disabilities and difficulties to which the creditors have been subjected in the matter of the recovery of their dues from the agriculturist debtors by reason of the operation of the Regulation.

(2) The extent to which the operation of the Regulation has affected the credit facilities of the agriculturists.

(3) The lines, if any, on which the provisions of the Regulation may be amended so as not to affect the creditor prejudicially, while securing the object with which the Regulation has been enacted.

Copies of the notification were sent to the Deputy Commissioners for distribution among important persons in their districts. A few gentlemen were also directly addressed and requested to favour the committee with their views in the matter. In response to the invitation, 79 persons (including representatives of Banks and Associations) as per list attached, have favoured us with their opinions. Besides, two deputations—one consisting of landholders in the Malnad and the other consisting of representatives of the Grain Merchants' Association, Bangalore—met the Committee by appointment and made oral representations of their case.

Our acknowledgments are due to all these persons for placing before us all aspects of the question under consideration.

5. The opinions furnished and the representations made to us cover almost the entire field of the Agriculturists' Relief Regulation, and the amendments suggested relate to almost every Section of the Regulation as detailed in the appended statement. As most of these amendments aimed either at enlarging or at restricting the scope of the Regulation and did not, therefore, fall within the terms of reference, we did not consider it necessary to examine all of them and have confined ourselves to only such of the amendments as are covered by, and have a material bearing on, the terms of reference.

6. The strongest argument adduced before us against the extension of the Regulation is that the drastic provisions of Section 14 of the Regulation prohibiting the creditor from proceeding against the immovable property of the agriculturists other than those mortgaged for the debt has placed the unsecured creditor entirely at the mercy of the debtor. His only means of recovering his money is by the attachment and sale of the moveable properties of the debtor. It is a matter of common knowledge that the class of agriculturists who come under the purview of the Regulation possess little or no moveable properties worth anything. The Civil Procedure Code has in Sections 60 and 61 exempted certain kinds o, moveable properties of the agriculturist-debtor from attachment and salef and such of the other moveables as the small agriculturist-debtor possesses are generally insignificant and could be easily transferred or kept out of the reach of the creditor. Even in respect of the attachment and sale of the crop grown on the debtor's land, Order 38, Rule 12, Civil Procedure Code, prevents attachment before judgment of agricultural produce and the debtor can easily frustrate the attachment either by alienating the properties themselves or by entering into long leases of the properties so that the crops may not be available to the creditors. It is urged and with great force that there is no reason why an unsecured creditor should be prohibited from bringing to sale in execution of his decree the immovable properties of the debtor, while the latter is left free to alienate them to third persons in derogation of the equities in favour of the creditor. It is stated that in the circumstances mentioned above, settlements of debts out of court have become uncommon and that even the honest agriculturist-debtors have been tempted to defy the creditors and to drive them to court with the result that the recovery of the debts is either indefinitely postponed or defeated altogether. The long period which may be allowed by the court for the payment of the decree amount by instalments and the absence of adequate provision to enforce the payment of the instalments as they fall due has also been represented as hindering the due recovery of the debts even when they are secured and to operate as a hardship, particularly in the case of money-lenders who have invested all their money in granting loans or who may have been carrying on this profession from moneys borrowed from others.

7. In view of the disadvantages referred to above, the creditors are said to be more anxious to recover their old dues than to lend afresh. Even small loans for the direst necessities of the agriculturists are reported to have become difficult to obtain. Securities are invariably demanded for all borrowings and loans can be had only on the pledge of either moveable property or on the mortgage of immovable property. Documents for much larger amounts than those actually advanced are said to be prevalent. Even in the case of transactions intended to operate as mortgages, some creditors are stated to be insisting on the outright sale of the property in order to avoid the possibility of having to accept payment in instalments which the court can grant in decrees for mortgage debts. One of the witnesses has stated that with a view to avoid the transactions being

reopened in courts, suits for amounts to be advanced are being filed and decrees by consent obtained before the loan is actually granted. There is a general concensus of opinion, though a few persons have expressed themselves otherwise, that as the result of the drastic provisions of the Regulation referred to above, the credit of the agriculturists is greatly curtailed, with the result that they are finding it increasingly difficult to obtain even small loans required to meet their urgent and unavoidable demands. This opinion was fully supported by the deputation of the Malnad agriculturists who gave oral evidence before us and they had no objection whatever to concede to the unsecured creditor also the right to proceed against the immovable properties of the debtor, as they consider that this will not materially prejudice the honest debtor who has no desire to deprive his creditor of his dues under the cover of the Regulation.

8. The Deccan Agriculturists' Relief Act on which our Regulation was mainly based was passed soon after a serious agrarian trouble, when the consequences of the drastic provisions referred to above in respect of unsecured debts could not have been foreseen. But even under this Act, power is given under Section 22 for the court to direct the collector to take possession of the immovable properties of the judgment-debtor for the benefit of the decree-holder under certain conditions. The necessity for giving adequate protection to the unsecured creditor has now come to be generally recognised and the United Provinces' Bill which has been passed by the Legislative Council of the province and is said to be awaiting the sanction of the Governor makes suitable provision in this respect.

9. With the above observations, we shall now proceed to deal with the several amendments to our Regulation that have been suggested to, and that are proposed by us.

Section 2 of the Regulation.—Almost every person consulted has taken exception to the definition of the term agriculturist as contained in Section 2 of the Regulation, some—representing agriculturists—being for widening the scope of the definition, while others—representing creditors—are for restricting it. It is also brought to our notice that it is not clear whether the term "income" used in the definition represents gross or net income. We are advised that "income" without any qualifying expression means gross and not net income. The determination of the income—whether gross or net—is said to necessitate the taking of evidence entailing considerable delay in the determination of the preliminary issue regarding the status of the debtor. A definition based on the acreage or assessment of the debtor's property has been suggested to us as simpler and more easily workable. But this has equally its disadvantages and defects. Having considered all aspects of the question, we think that the present definition is least objectionable and that it does not require any alteration.

10. Sections 11 and 12 of the Regulation empower the courts to order the payment of the decree amount by instalments extending over a period not exceeding eight years unless in the opinion of the court a longer period is necessary. The provision regarding the grant of instalments is not new; and even before the enactment of this Regulation, the courts had the power to order payment by instalments in the case of money decrees under Order XX, Civil Procedure Code. This provision has been criticised from opposite sides. Some persons have suggested that the maximum period should in no case be as long as eight years and that in any case the courts should have no power to enlarge this period under any circumstances. On the other hand, it has also been represented that the courts have not been sufficiently liberal in fixing the period for payment, and that the period should be raised to sixteen years. In our view, the existing provision in this behalf is generally suitable; but we think it is desirable that the considerations to be borne in view in fixing the number of instalments should be definitely laid down so as to afford less scope for

a variety of practice in the several Courts. We would, accordingly, suggest that a new section may be added as section 12 A laying down that in fixing the instalments under Sections 11 and 12, the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment-debtor.

11. Sections 11 and 12 as at present enacted empower the courts to deny future interest when ordering payment by instalments. We consider that while the court may have power to fix the rate of future interest at such moderate rate as it may consider proper with due regard to all the circumstances, it should not be empowered to deny future interest altogether. We would, therefore, propose that both these sections might be modified so as to admit of future interest being allowed at a moderate rate at the discretion of the courts.

12. Our attention has been drawn to the absence of any provision regarding the procedure to be adopted in case of default of payment of the instalments by the debtor. While the Regulation provides that the amount may be ordered to be paid in instalments, the courts do not at present seem to have any power to direct that on default of payment of any one or more instalments, the whole of the remaining sum shall become due. The creditors are thus left without adequate remedy where the instalments remain unpaid, the attachment of movables and crops being often impossible or unavailing. We propose, therefore, that a new Section, somewhat similar to that contained in the United Provinces Bill be added as 12 B empowering the courts to direct that in the event of failure to pay two consecutive instalments the whole debt should become due and be recoverable by proceeding against the properties of the judgment-debtor.

13. The most important section to which our attention has been specially drawn is Section 14. As observed in paragraph 6 above, with the immovable property kept free from attachment and sale and with no restrictions placed on the debtor against alienating them to the prejudice of the creditors' interest, it is rightly apprehended that the recovery of unsecured debts is practically rendered impossible. For reasons which have already been given, we consider that while affording every possible protection to the honest agriculturists, provision should be made to prevent the unscrupulous debtor from alienating his immovable properties so as to defeat the creditors' interests. We suggest, therefore, that a clause be added to Section 14 so as to provide for security being demanded from the judgment-debtor for the regular payment of the instalments fixed by the Court and in case of his failure to furnish it, for ordering the attachment and sale of his immovable properties or declaring a charge thereon till the decree amount is fully paid up. It may be observed that with the amendments that we have suggested, the debtor will ordinarily enjoy all the protection that he now has under the Regulation, and it is only when a case is made out by the creditor for the attachment of his properties or for a charge being created on it that this will be ordered by the Court and that even then the debtor will be given an opportunity to furnish security before any such order is passed.

We also propose that for the words "immovable property" in line one of Section 14, the words "agricultural lands" may be substituted as there is no reason why non-agricultural properties such as houses other than the debtor's dwelling house which is exempt under the Civil Procedure Code, should be exempted from attachment and sale.

14. In view of the proposed removal of the exemption of immovable properties from attachment even in respect of unsecured debts, we consider that provision may be made also for the attachment of the properties before judgment and accordingly propose for the purpose a new clause to be added to Section 14 as clause (3).

15. As a consequence of the amendment proposed by us above, we suggest that the words "or, by an order of Court" be inserted between "operation of law" and "or in favour of Government" in paragraph 2 of Section 20.

16. Under Section 74-A of the Deccan Agriculturists' Relief Act, the provisions of the Act are declared to be not applicable to any matter to which any Society registered under the Co-operative Credit Societies' Act is a party. The objects and reasons for providing this exemption are clearly explained in the proceedings of the Legislative Council of Bombay and we quote below the same. (*Vide* pages 351-352 of Gupte's Deccan Agriculturists' Relief Act.)

"The Co-operative Credit Societies have been started and one of the principal objects aimed at is to free cultivators from their old debts with usurious interests. They are thus bodies working in the best interests of the cultivating classes themselves. In the main object therefore, the institution of these societies aim at the same end as the Agriculturists' Relief Act, and the two measures ought to work without friction. The Societies were started not as rival bodies competing with the ordinary money-lenders but in the hope that they might be induced to invest their capital or part of it with these societies.

"It must be clear to every reasonable person that transactions which are entered into by these registered societies with their members under by-laws which have to be approved by a responsible government officer (the Registrar) need not be subjected to all the jealous scrutiny of the Deccan Agriculturists' Relief Act. There is always a guarantee that the interest charged by them on their transactions with their members will not be unreasonable or exorbitant. While therefore on the one hand agriculturists did not require to be protected from the registered societies, on the other hand the registered societies were fairly entitled to every assistance in the recovery of their just dues from fraudulent defaulters. It is intended by this Section to exempt all transactions between the Societies and their members from all the provisions of the Act except the beneficent provisions of Section 21 which prevent agriculturists from being arrested and imprisoned in the execution of money decrees against them. The by-laws framed show that there cannot be any scope for the suggestion of any grasping or inequitable features in the transactions and the removal of disabilities and restrictions at present imposed by the Act will, it is expected, only conduce to the healthy and vigorous development of rural societies. At the same time, it will serve to assist the process of building up a free and independent peasantry."

We entirely agree with the sentiments expressed in the above passage and consider that as the co-operative credit societies are intended to work in the interests of the agriculturists and their aim unlike that of many of the money-lenders is not to deprive the agriculturists of their holdings, it is desirable to provide for a similar exemption in respect of these societies from the operation of the Agriculturists' Relief Regulation.

Some of the Joint Stock Banks have also asked for a similar exemption but their cases are not on all fours with that of the co-operative institutions in that they all work for the benefit of the shareholders and are not controlled by the Government or its officers in regard to the interest charged, etc. We are, therefore, not in favour of recommending any exemption in favour of Joint Stock Banks.

Even in respect of Co-operative Societies, we consider it desirable that instead of exempting all of them generally from the operation of the Regulation, the Government should be empowered to exempt particular societies or classes of societies at their discretion so that this concession may be shown by them only to such of the societies as they consider to be deserving thereof by conforming to any conditions that may be imposed by them regarding the rate of interest charged by them to the agriculturists or other matters. We have accordingly suggested the insertion of a new Section as Section 25-A for this purpose.

17. As desired in our terms of reference, we have appended to this Report a draft Bill incorporting the amendments to the Regulation which we have recommended in the above paragraphs.

18. Before concluding, we desire to place on record the very valuable help rendered to us by the Secretary, Mr. S. K. Venkataramana Aiyar. It was no easy task for him, saddled as he simultaneously was with the heavy work of another important Committee, to study all the literature bearing on the subject, including similar enactments in force or in contemplation in other parts of India, analyse the mass of conflicting opinions contained in the large number of notes sent to us and present them to us in a readily accessible form; and he has performed this task with commendable willingness and thoroughness.

K. R. SRINIVASA IYENGAR.
N. MADHAVA RAU.
S. ABDUL WAJID.
A. R. NAGESVARA IYER.
S. VENKATKRISHNAIYA.
HOSAKOPPA KRISHNA RAO (subject to supplemental note attached).
M. RAMACHANDRA RAO SINDIA.
K. CHENGALARAYA REDDY.
K. SRIKANTAIYA.
S. C. MALLIAH.
MOHAMED ABBAS KHAN.

Bill to amend the Mysore Agriculturists' Relief Regulation, 1928.

Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928, it is hereby enacted as follows.—

1. In the second sentence of paragraph 2 of Section 11 (1) (of the Mysore Agriculturists' Relief Regulation, 1928) a full stop shall be inserted after the word "rate," and the words "unless, for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

2. (*i*) In the first paragraph of Section 12 of the said Regulation, a full stop shall be inserted after the word "instalments" and the words "with or without interest" shall be omitted.

(*ii*) In the second paragraph of the same section, a full stop shall be inserted after the word "rate" and the words "unless for reasons to be recorded in writing, it deems it unnecessary to do so" shall be omitted.

3. The following shall be added as Sections 12-A and 12-B.—

12-A. In fixing the number of instalments to be allowed under Sections 11 and 12 of the Regulation, the Courts shall take into consideration the period during which the loan was outstanding and the repaying capacity of the judgment-debtor.

12-B. Whenever the Court orders payment by instalments it shall direct that in the event of default in the payment of any two consecutive instalments the decree-holder may immediately enforce payment of the whole amount then remaining due under the decree.

4. (*i*) In Section 14 of the said Regulation for the words "no immovable property" at the beginning of the sentence the words "Except as otherwise provided in clauses 2 and 3, no agricultural land" shall be substituted.

(*ii*) The following shall be added as paragraphs 2 and 3 of Section 14 of the Regulation, the existing paragraph being numbered as (1).

(2) The Court may, when passing a decree for money against an agriculturist after the Regulation comes into force or at any time during the course of execution of such decree, direct the judgment-debtor for sufficient cause to furnish security for the amount of the decree, and if he fails to furnish the security required, order the attachment and sale of any agricultural land belonging to the judgment-debtor or declare a charge against such land within the meaning of Section 100 of the Transfer of Property Regulation.

(3) The provisions relating to attachment before judgment contained in Rules 5 to 12 of Order 38 of the Civil Procedure Regulation, shall be applicable to suits under this Regulation.

5. In paragraph 2 of Section 20, after the words "operation of law," the words "or by an order of the Court under Section 14," shall be inserted.

6. The following shall be added as Section 25-A.—

25-A. The Government may, by notification in the Gazette, from time to time, direct that the provisions of this Regulation, except Sections 2 and 13, shall not apply to any matter to or in which any society or class of societies registered under the Co-operative Societies Regulation is a party, and may by a similar notification withdraw the exemption in respect of any such society or class of societies.

Supplemental note by Mr. Hosakoppa Krishna Rao.

A very large concession has been made by the indebted agriculturists agreeing to allow the unsecured creditors the right to proceed against the immovable properties of the debtors. In return for the concession, the creditors should be expected to be sufficiently liberal-hearted to allow the minimum number of annual instalments to be raised to at least 16, as that would minimise the chances of default by the debtors. It should be remembered that this minimum was fixed by law at a time when the price level was high and payments according to that cannot now be successfully made by the debtors. The main and the only consideration that should weigh with the court in fixing the number of instalments should be the repaying capacity of the debtor. Any other consideration as to how long the loan has been outstanding, etc., should not be the ground in this behalf. The courts should be empowered to direct in all cases at least sixteen instalments and be invested with discretion to raise the number of instalments in proportion to the amount payable annually and the income derived from the land, the object of such a provision being the affording of facilities for liquidation of the debt without injury to the corpus of the Estate.

Proceedings of the Govt. of H. H.
the Maharaja of Mysore.

Read:-

Letter dated 18th February 1935 from the Chairman of the committee appointed by Government in their order No.P.1300-11/Legis. 20-34-2 dated 8th September 1934 to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole - State has affected the credit of the agriculturists and to indicate, in what respects, if any, the Regulation requires to be - amended, forwarding the Report of the - committee together with the draft of a Bill embodying their recommendations.

Order No. P-6404-16 Legis 20-34
Dated 23/5/1935

The recommendations of the committee are as follows:-

(1) That a new provision be added laying down that in fixing instalments under Sections 11 and 12 of the Regulation the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment debtor;

2) that the existing power of courts to deny future interest in some cases when ordering payment by instalments should be modified so as to make it obligatory to allow future interest at a moderate rate in all such cases;

(3) that courts should be empowered to direct that in the event of failure to pay two consecutive instalments, the whole - debt should become due and be recoverable.

(4) that exemption from attachment and sale in execution of a money decree should be limited to the agricultural land only of the debtor, and that other immovable properties should not be so exempt. Even in respect of agricultural land, the - court should be empowered to order attachment and sale or declare a charge under certain circumstances.

(5) that Government should be empowered to exempt particular co-operative societie or classes of co-operative societies, at their discretion, from the operation of the provisions of the regulation.

The Government approve of the above recommendations subject to a slight modification in regard to (4) above. The committee have recommended that the Court may be empowered to order attachment and sale of the agricultural land of a debtor, if after notice to him he fails to furnish security for the decree amount. Government consider that this is somewhat drastic and goes against the underlying principle of this legislation that the land should be saved to an agriculturist-debtor. At the same time Government recognise that it is

is necessary to give some protection to a creditor to whom payment is postponed by ordering instalments and prevent an unscrupulous debtor from alienating his land so as to defeat the creditor's - interest. Government consider, therefore, that the provision to order attachment and sale of the agricultural land or declare a charge thereon be limited to cases where payment by instalment is ordered and that the sale in pursuance of an attachment or charge should be ordered only when default is made in the payment of two consecutive instalments.

Action will be taken to introduce necessary amendments to the Regulations.

The Government desire to convey their thanks to the Chairman, Rajasabha-bushana K. R. Srinivasa Iyengar, M.A., and the other members of the committee for - the thoroughness with which they have - completed the work entrusted to them and for the very valuable report and recommendations submitted by them.

General Secretary to Govt.

15/5/35

To

The Chairman and Members of the Comtte.

Print.

15/5/35

bnl

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 6404-16—Legis. 20-34-7, dated 23rd May 1935.

Agriculturists' Relief Regulation.

Passes orders on the Report of the Committee appointed to consider the question of amending the —— .

READ—

Letter dated 18th February 1935, from the Chairman of the Committee appointed by Government, in their Order No. P. 1300-11—Legis. 20-34-2, dated the 8th September 1934, to examine how far the extension of the Mysore Agriculturists' Relief Regulation to the whole State has affected the credit of the agriculturists and to indicate in what respects, if any, the Regulation requires to be amended, forwarding the Report of the Committee together with the draft of a Bill embodying their recommendations.

ORDER No. P. 6404-16—LEGIS. 20-34-7, DATED BANGALORE, THE 23RD MAY 1935.

The recommendations of the Committee are as follows :—

(1) That a new provision be added laying down that in fixing instalments under Sections 11 and 12 of the Regulation, the courts should be required to take into consideration the period that the loan has been outstanding and also the repaying capacity of the judgment-debtor ;

(2) that the existing power of courts to deny future interest in some cases when ordering payment by instalments should be modified so as to make it obligatory to allow future interest at a moderate rate in all such cases ;

(3) that courts should be empowered to direct that in the event of failure to pay two consecutive instalments, the whole debt should become due and be recoverable ;

(4) that exemption from attachment and sale in execution of a money decree should be limited to the agricultural land only of the debtor, and that other immovable properties should not be so exempt. Even in respect of agricultural land, the court should be empowered to order attachment and sale or declare a charge under certain circumstances ;

(5) that Government should be empowered to exempt particular co-operative societies or classes of co-operative societies, at their discretion, from the operation of the provisions of the Regulation.

The Government approve of the above recommendations subject to a slight modification in regard to (4) above. The Committee have recommended that the court may be empowered to order attachment and sale of the agricultural land of a debtor, if after notice to him he fails to furnish security for the decree amount. Government consider that this is somewhat drastic and goes against the underlying principle of this legislation that the land should be saved to an agriculturist-debtor. At the same time, Government recognise that it is necessary to give some protection to a creditor to whom payment is postponed by ordering instalments and prevent an unscrupulous debtor from alienating his land so as to defeat the creditor's interest. Government consider, therefore, that the provision to order attachment and sale of the agricultural land or declare a charge thereon be limited to cases where payment by instalment is ordered and that the sale in pursuance of an attachment or charge should be ordered only when default is made in the payment of two consecutive instalments.

Action will be taken to introduce necessary amendments to the Regulation.

The Government desire to convey their thanks to the Chairman, *Rajasabhabhushana* K. R. Srinivasa Iyengar, M.A., and the other members of the Committee for the thoroughness with which they have completed the work entrusted to them and for the very valuable report and recommendations submitted by them.

H. V. RAMASVAMI,
Secretary to Government,
General Department.

To—The Chairman and the Members of the Committee.

Exd.—C. K.

WD 1878—GPB—425—24-5-35

DRAFT.

SUBJECT.....

.....

.....

Secti... Ags
File No. 20-34
Serial No. 6

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....191 .

Date of issue...10/1/36...

Signed by, H. C. S. Gys

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P 4473 Sec 1

Ordered that the accompanying Regulation to amend the Mysore Agriculturists' Relief Regn 1926, which received the assent of His Highness the Maharaja, on the 27th day of Dec 1935, be published as Regulation No. VII of 1935, in the *Mysore Gazette* for general information.

General *Secretary to Government.*

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and .....spare copies in English and .....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

~~Read~~

O r d e r No.

Dated, Bangalore, the 9th January 1936.

Ordered that the accompanying Regulation to amend the Mysore Agriculturists' Relief Regulation, 1928, which received the assent of His Highness the Maharaja, on the 27th day of December 1935, be published as Regulation No.VII of 1935, in the Mysore Gazette for general information.

For General Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and spare copies in Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

NOTIFICATION.

Order No. P. 4473—Legis. 20-34-8, dated Bangalore, the 9—10th January 1936.

Ordered that the accompanying Regulation to amend the Mysore Agriculturists' Relief Regulation, 1928, which received the assent of His Highness the Maharaja, on the 27th day of December 1935, be published as Regulation No. VII of 1935, in the *Mysore Gazette* for general information.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION VII OF 1935.

(*Received the assent of His Highness the Maharaja on the 27th day of December 1935*).

A Regulation to amend the Mysore Agriculturists' Relief Regulation XVIII of 1928.

Preamble. Whereas it is expedient to amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows:—

Short Title. 1. This Regulation may be called the Mysore Agriculturists' Relief (Amendment) Regulation, 1935.

Amendment of Section 12. 2. The following shall be substituted for the first paragraph of Section 12 of the Regulation:—

"In passing a decree for money in any suit under this Regulation or in the course of any proceedings under a decree passed, whether before or after this Regulation comes into force, against an agriculturist, the Court may, on the application of either party, direct that any amount payable under that decree shall be paid by instalments."

Additions of new Sections 12-A and 12-B 3. The following shall be added after Section 12 as Sections 12-A and 12-B:—

12-A. The instalments to be allowed under Sections 11 and 12 shall be annual, and in fixing the number of such instalments, the Court shall take into consideration among other matters, the period during which the